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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE UNITED KINGDOM

2nd monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the United Kingdom**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improving its legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for subsequent periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot visit" by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

Contents

| | | |
|-----------|---|-----------|
| A. | Report of the Committee of Experts on the application of the Charter in the United Kingdom | 4 |
| | Chapter 1. Background information | 4 |
| | 1.1. The Charter's ratification by the United Kingdom..... | 4 |
| | 1.2. The work of the Committee of Experts..... | 4 |
| | 1.3. Presentation of the regional or minority language situation in the United Kingdom: update | 5 |
| | 1.4. Particular issues arising in the evaluation of the application of the Charter in the United Kingdom | 7 |
| | Chapter 2. The Committee of Experts' evaluation in respect of Parts II and III of the Charter | 8 |
| | 2.1. Evaluation in respect of Part II of the Charter | 8 |
| | 2.2. Evaluation in respect of Part III of the Charter | 21 |
| | 2.2.1. <i>The Welsh language</i> | 21 |
| | 2.2.2. <i>The Scottish-Gaelic language</i> | 33 |
| | 2.2.3. <i>Irish language</i> | 47 |
| | Chapter 3. Conclusions | 59 |
| | 3.1. Conclusions of the Committee of Experts on how the UK authorities reacted to the recommendations of the Committee of Ministers..... | 59 |
| | 3.2. Findings of the Committee of Experts in the second monitoring round | 62 |
| | Appendix I: Instrument of Ratification | 65 |
| | Appendix II: Comments by the UK authorities..... | 68 |
| B. | Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the United Kingdom..... | 86 |

A. Report of the Committee of Experts on the application of the Charter in the United Kingdom

adopted by the Committee of Experts on 14 September 2006
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1. Background information

1.1. The Charter's ratification by the United Kingdom

1. The United Kingdom signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 2 March 2000, and ratified it on 27 March 2001. It entered into force on 1 July 2001. The United Kingdom declared at the time of deposit of the instrument of ratification that the Charter would apply to mainland Britain and Northern Ireland. This declaration also stated that the regional or minority languages in the UK were Scottish Gaelic, Irish, Welsh, Scots and Ulster Scots.

2. The UK further submitted declarations on 11 March 2003, pursuant to which the authorities recognise that Cornish also meets the Charter's definition of a regional or minority language and on 2 April 2003 that the Charter's ambit be extended to the Isle of Man and to cover the Manx Gaelic language under Part II accordingly. The instrument of ratification is set out in Appendix I to this report.

3. Article 15.1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers. The UK authorities presented their second periodical report to the Secretary General on 1 July 2005 which was published on the Foreign and Commonwealth Office website.

4. In its previous evaluation report on the UK (ECRML (2004) 1), the Committee of Experts of the Charter (hereafter referred to as "the Committee of Experts") outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted 7 recommendations (RecChL(2004)1), which were addressed to the UK authorities.

1.2 The work of the Committee of Experts

5. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of the UK and through meetings held with representatives of regional or minority languages in the UK and the UK authorities during the on-the-spot visit, which took place from 4 to 8 December 2005 and from 29 January to 1 February 2006. The Committee of Experts also received an extensive number of comments from bodies and associations legally established in the UK, submitted pursuant to Article 16 paragraph 2 of the Charter. This information was very helpful in the course of evaluating the application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their valuable contribution and participation in the monitoring process.

6. In the present second evaluation report, the Committee of Experts will focus on the provisions and issues which were singled out in the first evaluation report as raising particular problems. It will evaluate in particular how the UK authorities have reacted to the issues detected by the Committee of Experts and to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. It will then refer to the paragraphs in the first report which set out the Committee of Experts' reasoning, before evaluating how the UK authorities have reacted. The Committee of Experts will also highlight new issues that arose during the second monitoring round.

7. The present report contains detailed observations that the UK authorities are encouraged to take into account when developing and pursuing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a second set of recommendations to be addressed to the UK by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.

8. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' second on-the-spot visit to the UK, save as otherwise expressly mentioned in the text of the report.

9. This present second report was adopted by the Committee of Experts on 14 September 2006.

1.3. Presentation of the regional or minority language situation in the United Kingdom: update

10. The Committee of Experts refers to the relevant paragraphs of the first evaluation report (paras. 11 – 32) for basic information on the situation of regional or minority languages in the UK (except Manx Gaelic – see paras. 12 – 18 below). The regional or minority languages covered under the Charter in the UK are Welsh, Scottish Gaelic, Irish, Scots, Ulster Scots and Cornish. Manx Gaelic in the Isle of Man is also covered under the Charter. Welsh, Scottish Gaelic and Irish have been granted protection under Part III of the Charter, as indicated in the instrument of ratification.

11. For almost all languages, representatives of speakers have called for stronger domestic measures in order to safeguard their language. While this has happened with regard to Scottish Gaelic, there was a call for an Irish Language Act for Northern Ireland. There were several calls in Wales from Welsh language organisations and the Welsh Language Board to ratify for further or higher undertakings under the Charter in order to strengthen the position of Welsh.

Isle of Man

12. The Isle of Man is an internally self-governing dependent territory of the British Crown. Tynwald, the Isle of Man's 1000 year old Parliament, makes its own laws and oversees all internal administration. External issues, such as foreign representation and defence are administered on the Island's behalf by the UK government. Therefore, as the "State Party", the UK is ultimately responsible for the Isle of Man's compliance with the Charter and other international conventions. However, the implementation of the Charter itself with regard to Manx Gaelic, lies within the responsibility of the Manx government.

13. Manx Gaelic (Gaelg Vannínagh) belongs to the Goidelic branch of the Celtic languages, along with Irish and Scottish Gaelic. It is believed that the Goidelic language was introduced to the island in perhaps the early 6th century by Irish settlers.

14. The decline of Manx Gaelic began in the middle of the 18th century, until the number of speakers was reduced to only a few in the 20th century, the last 'first language' speaker dying in 1974. There has nevertheless been an unbroken tradition of using Manx Gaelic in Tynwald to proclaim new laws annually. Revivalist tendencies arising already at the turn of the 20th century, however, led to a reverse of the decline by adult learners at the beginning of the 1970s. According to the decennial census of 1961, there were 165 people with knowledge of Manx Gaelic, whilst in 2001 there were 1, 689 people. A large number of these speakers were under 16 years old.

15. With the establishment of the Manx Gaelic Advisory Council in 1985 the language was given a degree of official recognition. Its purpose was to regulate and standardise the official use of the language.

16. Manx Gaelic was first taught in schools in 1992 and is now available as an optional subject to pupils aged eight and over. The Education Act 2001 provides for the teaching of the Manx Gaelic language and the history and culture of the Isle of Man.

17. The Broadcasting Act 1993 provides for the Communications Commission to license and regulate programmes broadcast from the Isle of Man.

18. The Isle of Man Government Plan for 2003-2006 has as a central aim 'Positive National Identity'. One of the targets of this plan is to increase the number of Manx Gaelic-speakers, and specific mention is made of the teaching of Manx in schools, the Gaelic Broadcasting Commission and the Centre for Manx Studies.

Wales

19. The Committee of Experts was informed at the time of the on-the-spot visit that the Welsh Language Board (WLB) will be one of the Assembly Sponsored Public Bodies to merge its functions with the Welsh

Assembly Government, as part of the Assembly Government's reform of public bodies. The regulatory and statutory role of the WLB would then cease.

20. It was intended that an independent office ('Dyfarnydd') would be set up, initially on an advisory basis to deal with statutory functions relating to the Welsh Language Schemes. As far as the Committee of Experts was informed its role had not yet been defined in detail.

21. These proposals received many different reactions from the representatives of the speakers. The mainstreaming of the Welsh language was in general welcomed. However, concerns were raised as to the uncertain and unclear details of this merger. Also there was a fear that this might lead to a politicisation of the language, and that there would be no body that independently monitors the development of the Welsh language.

22. In the meantime, however, the Committee of Experts has been made aware of the recent decision in July 2006 by the Minister for Culture, the Welsh Language and Sport, following public consultation, to postpone the merger of the Welsh Language Board with the Welsh Assembly Government until after the May 2007 election.

Scotland

23. The Gaelic Language Bill was passed by the Scottish Parliament in 2005 and came into force in February 2006. This key milestone gives legal recognition to Scottish Gaelic as an official language with 'equal respect' to English. The Act gives the Gaelic Language Board (Bòrd na Gàidhlig) a statutory role, charged with, *inter alia*, developing a 5 year national language plan by February 2007, including a national Gaelic education strategy and with assisting public authorities in developing local language plans (for which they are given 6 months) to promote the use of Scottish Gaelic. These must be in line with the national plan. The main tasks of the Gaelic Language Board will be planning, funding and guiding.

24. The Gaelic Language Board will nominate 10 bodies each year to develop language plans. The Gaelic Language Board informed the Committee of Experts that the first bodies they are likely to address are the Scottish Executive, the Scottish Parliament and some local authorities, such as Highland Council, Western Isles Council and Argyll & Bute Council. Concerns were raised by NGOs during the Committee of Experts' on-the-spot visit that the Gaelic Language Board might not have enough human and financial resources to fulfil its responsibilities.

25. There are no official figures of the number of Scots-speakers, despite repeated requests for data collection. The Committee of Experts is aware that Scots lies on a linguistic continuum with Scottish English and Standard English and has been subject to a gradual historical dialectalisation and increasing linguistic assimilation with English. This seems to be linked with a low awareness of the speakers themselves of the existence of Scots as a distinct language. However, this should not be a hindrance to collecting data, but means there is all the more need for an assessment of the number of Scots-speakers as an essential basis to develop a comprehensive language policy.

Northern Ireland

26. In 2004, Guidance was issued by the Interdepartmental Charter Implementation Group (ICIG) for government departments, public bodies and civil servants on the responsibilities arising from the Charter with regard to Ulster Scots and Irish. This included explanations of the ratified undertakings, policy advice, best practice, and, in more detail, Codes of Courtesy on dealing with speakers of Irish and Ulster Scots in public services (for Irish see paras. 451 – 476 below). The Committee of Experts welcomes this initiative taken by the authorities and commends the fact that before the Guidance was completed for circulation in August 2005, there was an 8-month consultation period open to NGOs and other organisations, including the organisation of a meeting. The UK authorities report that the Interdepartmental Charter Implementation Group (ICIG) has established contact with the Society of Local Authority Chief Executives (SOLACE) to discuss local councils' obligations under the Charter.

27. The Committee of Experts understands that the Guidance will be regularly reviewed and updated.

Cornwall

28. A Cornish Language Strategy was prepared by the Cornish local authorities, in cooperation with Cornish language organisations. This strategy is intended to be the framework to promote and develop the language and to serve as an initial language policy.

29. The Cornish Language Strategy aims to give the opportunity to all who so desire to learn the Cornish language at all levels of education, and to ensure that the learning of the language is valued in the same way as the learning of other languages. The strategy also aims to achieve recognition of the Cornish language in public life as a valued and visible part of Cornwall's distinct culture and heritage, and to have the language recognised as contributing positively to the Cornish economy. It is desired to see the Cornish language enjoying respect alongside the other regional or minority languages of the UK, and the strategy provides for means to establish ways of working which will enable these visions to come into being.

30. Concerning the number of speakers, although there is an estimated number of 300 speakers, it has been pointed out to the experts that there is an urgent need for a survey on the number of fluent speakers and the number of learners of Cornish.

1.4. Particular issues arising in the evaluation of the application of the Charter in the United Kingdom

31. As mentioned in the first evaluation report (paras. 33 – 34), the responsibility for the practical implementation of the Charter lies within the devolved administrations, with the exception of the Cornish language and those undertakings that lie directly within the competence of the central authorities. The UK government nevertheless has the overall and final responsibility for the implementation of the Charter. In this regard, the Committee of Experts welcomed the timely submission of the second periodical report, but noted that it had been compiled with a certain lack of coherence. The Committee of Experts hopes that the central authorities will find ways to improve the co-ordination with the devolved administrations and regions concerned in preparing the next periodical report. The Committee of Experts also noted that information in relation to Part III languages which it had requested in its first evaluation report, on those undertakings which fall outside the competence of the devolved administrations, was still lacking in the second state report.

32. One feature of the discussions with representatives of regional or minority language speakers in the UK was the extent to which comparisons were made between the treatment of the different regional or minority languages. While such comparisons in many cases may have positive effects on the promotion of regional or minority languages, they may also lead to some problems. In Northern Ireland, representatives of Irish-speakers reported practical problems of language promotion due to calls for parity of treatment with Ulster Scots. The Committee of Experts was informed that in a number of instances, the request for action appropriate to the Irish language therefore led to the result that no measures were taken, since it was not practically possible to apply identical measures to Ulster Scots. The Committee of Experts wishes to underline that each regional or minority language should be protected and promoted according to its own situation.

33. In Scotland the coming into force of the Gaelic Language Act and the establishment of the statutory Gaelic Language Board will hopefully lead to a strengthening and improvement of the status of Scottish Gaelic and to a significant step forward for the promotion of the language. It is still too early to estimate what effect the Act will have for Scottish Gaelic, but this new development will most probably have a significant impact on the implementation of most of the undertakings with regard to the language.

34. With regard to Scots, the Committee of Experts gained the impression that the lack of a clearly defined language status for Scots seems to lead to difficulties in creating any national and overarching language policy or developing a comprehensive national language plan (see also para. 25 above). On the other hand, some local authorities are in favour of adopting a local policy strategy.

35. What seems to be symptomatic and recurrent for Part II languages is a lack of the standardisation or codification needed for the use of the language in many aspects of public life, often a low prestige attached to the language, and finally a lack of an overarching language strategy and plan. This leads the speakers to perceive the current policies as being merely half-hearted.

36. For some of these languages there are no reliable data as to the number of speakers and their degree of language competence and it would be useful for future language planning to include this issue in future censuses.

Chapter 2. The Committee of Experts' evaluation in respect of Parts II and III of the Charter

2.1. Evaluation in respect of Part II of the Charter

37. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the first evaluation report and/ or for which the Committee of Experts has not received any new information requiring their implementation to be reassessed.

Article 7 - Objectives and principles

Paragraph 1

" In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

a. the recognition of the regional or minority languages as an expression of cultural wealth;"

38. Scotland has significantly enhanced the legal position of Scottish Gaelic with the coming into force of the Gaelic Language Act 2005 and the establishment of the statutory body, the Gaelic Language Board, for the implementation of the Act. The Committee of Experts commends this important development which has taken place since the last report.

39. The Partnership Agreement 'For a better Scotland' is a cross-party commitment to implementing and developing certain policies to be achieved in the time frame 2003 – 2007. The commitment includes the enactment of the Gaelic Language Act, continued investment in Gaelic-medium education and the development of a national languages strategy for among others Scottish Gaelic and Scots (see also paras. 49 – 53 below).

40. The situation of the Scots language in Scotland, however, remains unsatisfactory. The Committee of Experts received complaints from representatives of Scots-speakers during its on-the-spot visit that Scots is merely referred to as "heritage language" in the Partnership Agreement, without explicitly mentioning the term "Scots" itself, which was perceived by the speakers as a lack of acknowledgement of the existence of Scots.

41. The local authorities in Cornwall have on various occasions officially affirmed the value of the Cornish language as part of Cornish cultural heritage and identity. The Committee of Experts is pleased to note the collaboration between local and central authorities in connection with the establishment of a fund to promote Cornish.

42. With regard to Manx Gaelic, the Committee of Experts welcomes the extension of the Charter to the Isle of Man. The Isle of Man government recognises the Manx Gaelic language as an expression of cultural wealth of the island in many ways. For example, the annual 'Manx Language Week', a celebration of the Manx language, culture and identity, is organised by the Manx Gaelic Society, the Manx Heritage Foundation and the Art Council and partly funded by the government. The Committee of Experts welcomes the positive and proactive approach of the Manx government to promoting Manx Gaelic.

43. The Broadcasting Act 1993 and the Education Act 2001 of the Isle of Man provide for the inclusion of Manx Gaelic in radio programmes and the school curriculum respectively.

"b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;"

44. The Committee of Experts was informed of a proposal to reduce the present 26 district councils in Northern Ireland to 7 by 2009. Newry and Mourne District Council, which has pursued a bilingual Irish - English language policy since 1990 (see also paras. 459 and 463 below), expressed its concern that the absorption into a larger council may diminish the current favourable promotion of Irish. The Committee of Experts urges the Review of Public Administration to take the above mentioned concerns into consideration

and encourages the authorities to ensure that the new councils will not be less favourable to the existing minority language protection.

45. In respect of Cornish, according to the 2nd state report, the Local Government Act of 1992 requires that changes of administrative boundaries must take the identities and interests of the local communities into consideration, which would therefore also cover the language.

46. The Committee of Experts has been informed that the plans, which were mentioned in the last evaluation report, to include the County of Cornwall in a single region with six other counties, have been put on hold. There have also been discussions about changing the current two tier system of the County Council and the 6 district councils to a single tier with two district councils. Representatives of the Office of the Deputy Prime Minister (which at the time of the on-the-spot visit had responsibility for regional and local government) informed the Committee of Experts during its on-the-spot visit that if such a move occurred, it would not have a negative effect on the Cornish language and funding would be allocated appropriately.

"c. the need for resolute action to promote regional or minority languages in order to safeguard them;"

47. Wales continues to take resolute action in order to safeguard and promote the Welsh language based on the *Iaith Pawb* initiative (A National Action Plan for Bilingual Wales) and the work of the Welsh Language Board. The Welsh Assembly has allocated an additional £28 million from 2003 – 2006 to support the Welsh language, which will be directed towards the Welsh Language Board, Welsh education, the Welsh Books Council and the establishment of a National Welsh Language Theatre Company.

48. With regard to Scottish Gaelic the Committee of Experts is pleased to note the resolute action taken since the last report. The Gaelic Language Bill was passed in 2005 and came into force in February 2006. It gives legal recognition to Gaelic as an official language with 'equal respect' to English. The Act gives the Gaelic Language Board a statutory role, charged with, among other things, developing a national language plan and assisting public authorities in developing local language plans to promote the use of Gaelic. The Committee of Experts welcomes this development and hopes that the setting up of the Gaelic Language Board and the implementation of the plans will lead to a strengthened position for Scottish Gaelic in all aspects of public and private life.

49. On the basis of the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)1), the Committee of Ministers adopted the recommendation addressed to the UK authorities to **"create conditions for the use of Scots [and Ulster Scots] in public life, through the adoption of a language policy and concrete measures, in co-operation with the speakers of the language"**. (RecChL(2004)1).

50. The UK report indicated that this recommendation will be met within the National Languages Strategy mentioned in the Partnership Agreement (see para. 39) which will be developed in consultation with the relevant language organisations. Within this frame, local authorities and national bodies are to draw up language plans. However, Scots still does not have an overarching policy, although some local authorities (e.g. Angus and Moray councils) have adopted a Scots language policy of their own.

51. Some representatives of the Scots-speakers have called on the Scottish Executive to create as a matter of priority, an advisory body, to assist the government in formulating a policy for the protection and promotion of Scots, for example through the establishment of a Scottish language council.

52. The Scottish Executive funds a range of organisations, but the criticism was made that most of them were mainly directed towards the preservation of Scots language and culture and less towards its active promotion and forward looking projects.

53. Practically all funding for the Scots language comes through the Scottish Arts Council, however the Committee of Experts has been informed that the - in general modest - funding is normally on a short-term basis, which makes the working conditions difficult for many projects, especially long-term research projects and educational projects (e.g. 'Itchy Coo', see paras. 100 – 105 below).

54. While there have been positive developments regarding the Irish language in Northern Ireland, particularly in the field of media, there is still a lack of an overarching policy aimed at protecting and promoting the language.

55. Regarding Ulster Scots, while there is no overarching policy, the Committee of Experts was informed that an implementation group is currently in the process of setting up an Ulster Scots Academy which is expected to be operational by the end of 2006. The Department of Culture, Arts and Leisure will provide £12 million for a period of 5 years. The Committee of Experts welcomes the steps taken and the generous funding. The aim of the Academy is the codification and standardisation of Ulster Scots. Further plans are the creation of an etymological dictionary and the translation of the Bible into Ulster Scots.

56. A Cornish Language Strategy was prepared by Cornwall County Council and Kerrier District Council, in close cooperation with Cornish language organisations, and was endorsed by the Minister for Local Government and Regions in June 2005. This strategy is intended to be the framework to promote and develop the language and to serve as an initial language policy. The strategy development work was jointly funded by the Government Office South West and Cornwall County Council and public consultation took place at various stages. A Cornish language development manager has been appointed who will have a key role in implementing the strategy.

57. The Committee of Experts welcomes the adoption of a strategy and the fact that it was developed together with the authorities and the language organisations and involving the public. One of the first tasks under the strategy will be to resolve the issues relating to establishing a common orthography, which appear to have held back the promotion of Cornish.

58. Cornwall is receiving EU funds ('Objective One') amounting to £100 000 per year over three years (2006 – 2009), directed towards the promotion of the Cornish language. This money has to be matched by the same amount of UK money, and will be done so in the form of contributions of £80 000 from central government and £20 000 from Cornwall County Council. The local authorities, while welcoming the funding, expressed the need for long term funding in order to build up the skill and capacity needed to promote the Cornish language.

59. The Isle of Man government has taken a number of measures to promote Manx Gaelic.

60. In 1985, Tynwald adopted recommendations on the Greater Use of Manx Gaelic, aimed at the protection and promotion of Manx Gaelic, especially in the field of education and public signage. The government has largely acted on these recommendations to support and secure the status of Manx Gaelic. A Manx language office has been established within the Department of Education of the Manx government.

61. The Isle of Man Government Plan 2005 – 2008 includes the promotion of Manx cultural heritage, support for Manx Studies, Manx language education, and support for the work of the Gaelic Broadcasting Committee and has the aim of increasing the number of people involved with Manx Gaelic.

62. Tynwald funds the Manx Heritage Foundation, a statutory body in operation since 1982, which plays a decisive role in actively promoting Manx language and culture (in 2005, the grant was £170, 000). For example, it appointed its own full-time Manx Language Development Officer and it offers financial support to various Manx Gaelic projects.

63. The Committee of Experts commends the Manx authorities on their efforts, and for collaborating with Manx language organisations.

"d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;"

64. In the field of media, the Communications Act 2003 (UK) makes reference to minority languages, however only explicitly to Welsh and Scottish Gaelic.

65. In its Green Paper on the renewal of the BBC's Royal Charter, the UK authorities recognise the significant role of the BBC in supporting the UK's regional or minority languages for each of the devolved nations, but only specifically mentions Welsh and Scottish Gaelic.

66. The Committee of Experts has been informed of the planned establishment of a Scottish Gaelic language digital channel, which will be dealt with in more detail under Part III.

67. With respect to the recommendation of the Committee of Ministers concerning the creation of conditions for the use of Scots in public life (see para. 49 above), it does not seem that any steps have been taken in this direction.

68. Many projects and cultural activities that involve the Scots language are carried out by organisations and are funded through the Scottish Arts Council funds, for example the Scottish Language Dictionaries and Scots Language Resource Centre.

69. The Scottish Arts Council also funds the Scots magazine *Lallans*, and new *Itchy Coo* publications (see also para. 100) aimed at young people. *Lallans* has a print run of 450 – 750 and is published twice a year.

70. The Committee of Experts was informed that the Scots language mainly appeared in radio comedy programmes. Although this is usually not regarded as discriminatory by the speakers, representatives of the Scots-speakers reported that they regret not receiving news, education programmes and documentaries or other prestige programmes in Scots, apart from in Shetland where Scots is widely used on local radio stations.

71. Scots-speakers informed the Committee of Experts that there is good consultation with the BBC and that practical improvements have been made over recent years. There is a lack of journalist training with regard to Scots.

72. The Scottish Parliament translates some documents and brochures into Scots and uses Scots on its website. The use of Scots is permitted in the Parliament. However, Scots, it seems, is not used in signage at the Scottish Parliament building.

73. In Northern Ireland, the Government Departments have undertaken various measures to make the Irish and Ulster Scots languages more visible, for example by translating some of their documents into these languages, and by advertising in newspapers in these languages. The Department of Culture, Arts and Leisure (DCAL) uses Irish and Ulster Scots (and other languages) on its website beyond token usage.

74. The Government Departments accept correspondence in Irish and Ulster Scots. Concerning DCAL's Codes of Courtesy (see para. 26 above), the Committee of Experts has heard from the speakers that, although the guidance was in general welcomed by the speakers, the publication and public awareness of this facility was limited. The voice-mail has proved inconvenient especially for the older generation (especially Ulster Scots has mainly older speakers). The Committee of Experts was informed that the voice-mail facility therefore is currently being reviewed.

75. Stranmillis University College has designed two courses for employers to train their staff in dealing with Ulster Scots-speakers.

76. Concerning radio broadcasting, the Committee of Experts was informed during the on-the-spot visit that the BBC plans to broadcast 30 minutes of radio programming in Ulster Scots on a weekly basis, whereas currently the programmes are aired irregularly. In 2005 there were 10 ½ hours of radio broadcasting, which is an increase since 2004 when there were 4 hours.

77. The magazine programme currently running on BBC Ulster is called "Kist of Wurds", comprising Ulster Scots language, music and local history; only half of the time is dedicated to the language.

78. With regard to television broadcasting, the Committee of Experts was informed that there is a 4 part TV series and one documentary programme in 2006 in Ulster Scots on BBC Northern Ireland. Ulster Scots seems to suffer from a shortage of speakers who have the necessary training in the use of the language in broadcast media.

79. With regard to print media, the Ulster Scots Agency publishes a newspaper magazine called 'Ulster Scot' that appears about 8 times a year. Apart from that, there is a weekly column in Ulster Scots in the "Newsletter" newspaper.

80. In its last evaluation report (para. 40), the Committee of Experts noted that there was no policy or legal framework for Ulster Scots. Although positive steps have been taken with regard to acceptance of use of the language in public services, the language still remains nearly invisible in public life.

81. With regard to Cornish, there is a 5-minute weekly news programme in Cornish every Sunday on BBC Radio Cornwall.

82. Many road and street signs, and welcoming boards use Cornish. The degree to which this occurs seems to depend on the willingness of each District Council. Cornwall County Council uses emblematic Cornish on its website, on letter heads etc. Some companies and public institutions also use Cornish signs.

83. So far no single written standard form of the Cornish language has been agreed upon. At present, at least three different orthographical systems co-exist. The Committee of Experts was informed during its visit that the process of finding and agreeing on one standard orthography for its official use was a high priority in the objectives. This is to be achieved through the guidance of an advisory panel of impartial academic experts. It is difficult to enhance the visibility of the language, for example through signage and printed media and most importantly in the field of education, until there is an agreement on the use of one common orthography.

84. With regard to Manx Gaelic, the government-funded Gaelic Broadcasting Commission (Bing Ymskeaylley Gaelgagh) advises on the making of Manx Gaelic radio programmes. There is one weekly 30-minute programme in Manx Gaelic and English on Manx Radio which is a partly state-run channel. Every Sunday there is a two-hour programme which gives information on the Manx language and customs on Manx radio.

85. With regard to the print media, there is also a weekly column in Manx Gaelic in one newspaper and an occasional bilingual column in another newspaper. Newspaper websites also make use of Manx Gaelic.

86. The Manx authorities encourage the use of Manx Gaelic in public life on various levels. Many street and road signs are in Manx Gaelic or bilingual. The government accepts written communication in Manx Gaelic. It also encourages the emblematic use of the language in order to raise its visibility as the government does itself in documents, such as letter headings, and on its official website. The Committee of Experts has been informed that private companies also use Manx and that public buildings have bilingual signs.

87. New laws are traditionally promulgated in Manx Gaelic every year publicly.

88. The Committee of Experts welcomes the steps taken by the authorities to facilitate and encourage the use of Manx Gaelic in public life. Unfortunately, the use of Manx Gaelic in various social contexts still seems to be limited.

"e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different language;"

89. There are numerous links between groups using the same or a similar language in different parts of the UK. This has been facilitated by various official initiatives, such as the Welsh school in London which receives Welsh Assembly Government funding.

90. The Ulster Scots Agency has developed and established links to the Scots Language Resource Centre and the Scottish National Dictionary Project in Scotland.

91. As to links between the different languages, the Columba Initiative (Iomairt Cholm Cille), has the aim of strengthening the links between speakers of Scottish Gaelic and Irish.

92. There is the Network of European Language Planning Boards which currently comprises 8 language planning boards including the Welsh Language Board, the Gaelic Language Board and Foras na Gaeilge. The Welsh Language Board is the lead partner of this network that was established in 2001.

93. The Welsh Language Board is also the secretariat of the British Irish Council Group on Regional, Minority and Indigenous Languages.

"f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;"

94. Teaching and study of the Part III languages will be examined in detail in the next section.

Scots

95. Although there are many speakers of Scots, comparatively few people are literate in the language. Education is therefore of primary importance. In Scotland, national guidelines on primary and secondary education recommend the inclusion of Scots literature in the curriculum. The executive non-departmental public body Learning & Teaching Scotland offers advice and guidance on teaching Scots. It also produces teaching materials and a support pack for teachers relating to the Scots language. With *The Kist* it also offers a resource in Scots texts which is very much appreciated by teachers. However, it was reported to the Committee of Experts that the majority of these resources have been out of print for years and that there were no plans to re-publish.

96. The Committee of Experts has been informed that a curriculum review has been undergone, however it is not clear to the Committee of Experts whether the position of Scots within the national curriculum will be considered. The Scottish Qualifications Authority is planning a new examination for Scots, equivalent to A-levels.

97. Several local authorities encourage the use of Scots and teaching of Scots literature through various different measures and policy statements. Angus Council, for example, has adopted a general policy and guidelines on the Scots language and culture. This is very welcome, but it seems that there is no nationwide policy or statutory provision on Scots in education and it is left entirely to the discretion of the local council or individual school or teacher as to what extent Scots is included in the curriculum. The recommendations made by the Scottish Executive for the inclusion of Scots in the curriculum are welcome, but they lack force and therefore do not seem to be implemented throughout the educational system.

98. The Committee of Experts was informed that there is no single standard written form of Scots. Language corpus planning is therefore of utmost importance for the development of written Scots and is necessary in order to establish Scots within the educational system.

99. Scots is generally taught as an integral part of the English lesson, there are no separate classes of Scots. In addition, representatives of speakers have called for a shift from the teaching *of* Scots to teaching *in* Scots.

100. The Committee of Experts has been made aware of the Itchy Coo project which has proven to be a very successful Scots language education project. Established in 2002, Itchy Coo's main tasks is the publication of youth books in Scots and educational outreach, whereby Itchy Coo organises Scots sessions in class lasting 30 – 45 minutes. If the teachers show interest, they receive the Scots books as a teaching material aid. So far Itchy Coo has published over 20 books.

101. Itchy Coo is the only provider of teacher training. It has done an in-service teacher training of 2 hours with teachers who already know Scots throughout Scotland. All local authorities have been made aware of this offer. At their request, Edinburgh and South Lanarkshire Councils receive a full annual programme of Scots language in-service training for primary and secondary teachers of 5 – 10 sessions a year.

102. There is an urgent need for more teacher training, for which there is a demand.

103. According to a representative of Itchy Coo, Scots education has been accepted by teachers most readily if an additional educational benefit could be demonstrated, and less as a subject in its own right. For example, it is argued that if pupils were educated in Scots, they would have easier access to foreign languages such as German. Children are reportedly enthusiastic about Scots lessons.

104. Itchy Coo is funded by the Scottish Arts Council merely on an annual contractual basis. It has been reported to the Committee of Experts that discussions with the Scottish Executive have not been successful to alter this. Itchy Coo would like to receive funding directly from the Scottish Executive, through the Department of Education or other educational bodies. The current financial resources cannot meet the growing demand for Scots materials and training.

105. The Committee of Experts commends the Itchy Coo project as an example of what can be achieved. In the long term, there is a need for properly funded and structured teaching of /in Scots.

Ulster Scots

106. A special unit at the Stranmillis University College is developing an Ulster Scots curriculum, including the development of primary and secondary school teaching materials and adult language courses. The unit is

funded by the Ulster Scots Agency, which has taken a three-tiered approach and funded four projects on primary and secondary education, adult education and teacher training. Stranmillis University College is worried that the short term funding is not sustainable or appropriate for such a project.

107. The Ulster Scots curriculum comprises historical, cultural and linguistic aspects of Ulster Scots, and is cross-curricular. However, the Committee of Experts was informed that introducing the materials in schools was proving to be problematical, due to a lack of specific teacher training or crash courses. The developers of the course need the assistance of the Department of Education to introduce the materials in the schools. Teacher training needs to be prioritised next in order to implement the curriculum.

108. The curriculum for primary school level has been completed and is available for teachers via the internet. 12 primary schools are currently using the curriculum. The curriculum for secondary schools has also been completed and is being tried as a pilot project for the period of one year in 15 schools. The pilot project consists of a trial of 10 sessions. At secondary level, the curriculum is being introduced through the 'citizenship' programme, a so-called scheme of work. At primary level, the curriculum is being introduced through a different scheme of work.

109. Doubts were brought to the attention of the Committee of Experts during their visit whether this curriculum provision was sustainable enough in terms of language acquisition and maintenance, as language only makes up a part of the curriculum.

110. At pre-school level there is no formal provision of the use of Ulster Scots, although it seems that in some areas it is occasionally used.

111. There are currently no possibilities to take GCSE or A-level exams in Ulster Scots which, according to representatives, can lead to a discouragement to learn Ulster Scots.

Cornish

112. There does not seem to be any comprehensive language education provision currently in place, however it is one of the Cornish Language Strategy targets.

113. Cornish language education cannot be funded through the new EU 'Objective One' funding (see para. 58 above), except for adult education.

114. Cornwall County Council initiated a project in 2003 in the school national curriculum called "Sense of Place" with the aim of strengthening the pupils' sense of culture and heritage of their homeland, including the Cornish language, by giving the national curriculum with a Cornish perspective. "Sense of Place" is currently used in 70 primary schools and is to be extended to secondary schools.

115. According to a survey carried out in 2000, Cornish was taught in twelve primary schools, mostly as an extra-curricular subject but as part of the integrated school curriculum in four of the schools. Unfortunately, the Committee of Experts has not received any comprehensive information on the current situation. There does not seem to be any Cornish introduced at pre-school level.

116. Two secondary school Language Colleges in Cornwall teach some Cornish as part of the curriculum in classes 7 and 8. One of the colleges has done a language learning project with local primary schools. The Committee of Experts was also informed of a pilot project that was carried out on teaching Cornish within normal school hours, which was well received by the pupils.

117. The Cornish Language Board offers examinations for Cornish at different levels. GCSE examination for Cornish is not possible in practice.

118. The Cornish Language Board held a two-day teacher-training course for Cornish-speakers given by professional tutors and there were calls for more resources to be devoted to this activity.

119. Teaching materials are produced by the non-governmental organisations. Most of the material is directed towards adult learners and not towards school pupils. Teaching materials for all education levels could be funded by the EU 'Objective One' funding.

120. The most important issues for Cornish language education, apart from the establishment of a common orthography, are the training of teachers and the provision of peripatetic teachers and pre-school education.

Manx Gaelic

121. There are currently four bilingual (Manx Gaelic – English) playgroups in three different places on the Isle of Man, attended by a total of 50 to 100 children. These groups are run by an organisation called Moinjer Veggey and are funded through the Manx Heritage Foundation and the Department of Education. At some other pre-schools Manx Gaelic is introduced to those children whose parents so wish. According to the authorities, the provision at pre-school level matches the current demand.

122. The Education Order 2004 prescribes that the revised national curriculum, in line with the Education Act 2001, will include the teaching of Manx culture, history and language, for the ages 5 – 16 (Key Stages 1 – 4). From the ages 7 – 16 years (Key Stages 2 - 4), the schools will in addition offer Manx Gaelic as an optional subject. In order to implement this, the Department of Education has appointed a Curriculum Development Officer to work on a curriculum with Manx elements.

123. Manx Gaelic was introduced into schools as an optional subject in 1992, for pupils from the age of 8 upwards. The number of children learning Manx Gaelic at school has been increasing ever since. Currently there are altogether about 850 pupils learning Manx Gaelic at school.

124. Most of the teaching of Manx Gaelic is carried out by a team of teachers moving from school to school (peripatetic teachers) and the Manx Language Officer, who is responsible for Manx Gaelic education in school within the Department of Education. Each peripatetic teacher negotiates with each school individually to offer Manx Gaelic classes at school. The Committee of Experts was informed that this system will be abolished at primary school level. The aim is to supply each primary school with a Manx Gaelic teacher, but there is a serious shortage of teachers (see para. 129 below). Apart from one pilot project at a secondary school, where the teaching of Manx Gaelic is firmly time tabled for key stage 3 (11 – 14), Manx Gaelic classes are optional. The teachers teach through the medium of Manx Gaelic as far as possible. The Committee of Experts was informed during the on-the-spot visit that Manx Gaelic was proposed as an option instead of German or French, which made the time-tabling difficult. The Committee of Experts was informed by a representative of the speakers that there is a need for a proper time-tabling of Manx Gaelic as an optional subject, which could lead to an increase in the number of pupils taking Manx Gaelic lessons.

125. The Committee of Experts was informed that Manx Gaelic education is well perceived on the Isle of Man and popular among young pupils, including among those children of families who have only recently settled on the island.

126. There are modular courses available to adult learners and school children to achieve certificates in Manx Gaelic. The General Certificate in Manx (GTM) is a GCSE equivalent, and the Advanced Certificate in Manx (ATG) is an A-level equivalent. About 20 pupils have already taken A-levels in Manx Gaelic, and 2 pupils are taking the GCSE exams for Manx Gaelic in 2006.

127. There is one Manx Gaelic-medium primary school (the Bunscoil Ghaelgagh), St John's School, which has been in operation since 2001 and is currently oversubscribed with 43 pupils. All subjects are taught through the medium of Manx Gaelic. Most of the pupils previously attended the Moinjer Veggey playgroups. The Committee of Experts was informed of plans to create a Manx Gaelic-medium secondary school and would welcome updated information on its development in the next UK state report.

128. Teaching materials are normally computer-produced by the teachers themselves and funded by the Manx Heritage Foundation. Also, the Department of Education has translated some material. It was brought to the attention of the Committee of Experts that more support for the production of teaching materials is needed.

129. It was reported to the Committee of Experts that the lack of provision of teacher training connected with a general lack of teachers on the Isle of Man is a serious concern, especially since there are not many fluent adult speakers. Six primary school teachers are currently following a 5-year training course in Manx Gaelic. The Committee of Experts hopes that the Manx authorities will find a solution for this crucial field of education in co-operation with the speakers, to be able to meet the growing demand.

"g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;"

130. As will be detailed in the next section (Part III) there are provisions enabling non-speakers of Irish, Welsh and Scottish Gaelic living in the respective areas to learn the languages.

Scots

131. The Committee of Experts has received no information on the possibility for non-speakers to learn the Scots language.

Ulster Scots

132. There are a number of different courses enabling non-speakers to learn the Ulster Scots language. For example, the Linen Hall Library in Belfast and the Ulster Scots Language Society have run Ulster Scots language courses. The Stranmillis curriculum development unit has also developed an adult language course. It will be offered through the learning Spring Programme of the Queens University Belfast. There is currently one evening class that is attended by 21 learners. Learning materials will also be available online soon.

Cornish

133. The Cornish Language Strategy includes plans to develop more opportunities for learning the language.

Currently there are some voluntary Cornish language courses. Given the situation of the number of speakers and low intergenerational transmission within families, teaching Cornish to non-speakers is necessary for the expansion of the use of the language. Further investment in this area seems therefore to be required.

Manx Gaelic

134. With regard to Manx Gaelic, there are evening classes for adult learners, run both voluntarily and by the government. There is one evening conversational class at the Isle of Man College which has now been reduced from 18 to 13 weeks. There are currently 18 adult learners attending this evening class. Additionally, there are probably about 80 learners attending voluntary classes. There are also digital media available for learning Manx Gaelic (for A-levels and GCSE, see para. 126 above). Courses are also offered at the Centre for Manx Studies. There is also a 2-week Manx Gaelic Summer School run by the Manx Gaelic society for adult learners.

"h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;"

135. Research and study of the Part III languages will be evaluated in the next section of this report.

Scots

136. Courses which involve Scots Language and literature are offered at the universities in Aberdeen, Edinburgh and Glasgow, usually as part of Scottish Studies. Research is also carried out at Scottish Dictionaries and the Scots Language Resource Centre.

Ulster Scots

137. Ulster Scots programmes at university apparently do not specifically relate to the Ulster Scots language. For example, the University of Ulster offers a Diploma/ MA in Irish and Scottish Studies which can involve Ulster Scots heritage. The Institute of Ulster Scots Studies at the same university offers a certificate in Ulster and Scottish Studies, however, the language element is very minor.

138. The Ulster Scots Academy will be charged mainly with the corpus planning of Ulster Scots, for example standardisation, work on a dictionary and a project on recording Ulster Scots speech. The Committee of Experts was informed during its on-the-spot visit that there is a need for the development of basic prescriptive teaching tools such as dictionaries and grammar books as reliable references.

Cornish

139. The Cornish language can be studied and researched as part of Celtic studies at university level in the UK. Higher degree studies in Cornish Studies and Celtic Studies which may include the linguistic aspect, are offered at the Institute of Cornish Studies at the University of Exeter and the Combined Universities in Cornwall. The institute of Cornish Studies would like to further develop the provision for the research and study of Cornish. Currently it is not possible to study Cornish linguistics as a separate subject, apparently also because of the lack of qualification skills to teach Cornish.

140. This seems to be an important area for Cornish as the Committee of Experts was informed that there is an urgent need for actors in the field with an academic background in Cornish, especially for the training of teachers, to deliver university courses, for further research and for further language planning and policy.

Manx Gaelic

141. The Department of Archaeology at the University of Liverpool offers two postgraduate qualifications in Manx studies, which is a multidisciplinary two year course including one module on Manx language and literature. These courses take place at the Centre of Manx Studies in Douglas, Isle of Man.

"i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States."

142. With regard to Scottish Gaelic, there are cultural exchanges with Nova Scotia in Canada, which was initiated by the Highland Council through a Memorandum of Understanding in 2002 in order to strengthen the Scottish Gaelic language and culture (in the fields of cultural development, education and tourism).

143. Concerning Scottish Gaelic and Irish, the Columba Initiative (see also para. 91 above) supports links between speakers of Scottish Gaelic in Scotland and Irish in Ireland and Northern Ireland.

144. Concerning Irish and Ulster Scots, as mentioned in the last evaluation report (para. 80), the North/South Language Implementation Body – Foras na Gaeilge and the Ulster Scots Agency promote different types of exchanges between respectively Irish and Ulster Scots-speakers across the border. With regard to Ulster Scots and Scots, it was reported that the government however, has taken no steps to encourage or facilitate links to Scots language organisations. Scottish Dictionaries works closely with Ulster-Scots organisations.

145. With regard to Welsh, the Welsh Assembly Government gives continuing financial support through the British Council Wales to the Welsh language teaching project in the Welsh-speaking settlements in Patagonia/ Argentina, and the Minister for the Welsh language announced that it will continue to do so until 2009.

146. Finally, the British-Irish Council deals, among other things, with all regional or minority languages throughout the UK, Ireland and the Isle of Man.

"Paragraph 2

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages."

147. With regard to Irish, the 1737 Language Act (The Administration of Justice (Language) Act) prohibits the use of Irish in courts, although the Good Friday Agreement states that:

"The British Government will in particular in relation to the Irish language, where appropriate and where people so desire it, seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language"

148. However, although the 1737 Act is still in force, the Committee of Experts was informed that the use of Irish is in theory permitted if one does not understand English. There seems to be a contradiction between the 1737 Language Act and the Good Friday Agreement regarding the use of Irish in courts. However, the Departments are currently receiving legal advice on this aspect and the Committee of Experts encourages the authorities to remove the obstacles to the use of Irish indicated by the 1737 Act.

149. With regard to Scottish Gaelic, the Gaelic Language Act has not removed the restriction on using the language in court, although provision has been made for its use in three civil courts in the north-west of Scotland. It seems however, that staff were not aware of the right to use Scottish Gaelic in these courts.

"Paragraph 3

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and

tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective."

150. The National Curriculum in England includes the teaching of regional, religious and ethnic diversity. However, there seems to be no specific inclusion of respect, understanding and tolerance in relation to regional or minority languages traditionally spoken in the UK within the national curriculum in England.

151. The Committee of Experts met with representatives of the Department for Education and Skills during its on-the-spot visit in London where it was informed about a national language strategy called "Languages Ladder". Secondary schools are permitted to introduce any language into the curriculum, including regional or minority languages. The objective is to bring those languages into the classroom that are likely to be represented in the community (i.e. Asian languages, Polish etc). This also includes for example Welsh, depending on the make-up of the class. However, the information about this strategy was not mentioned by representatives of regional or minority languages during the on-the-spot visit. A UK-wide raising of awareness of this opportunity seems to be needed.

152. The UK authorities report that, apart from the statutory Northern Irish Curriculum that includes the cross-curricular teaching of cultural heritage, a revised statutory curriculum will be introduced from September 2006 which touches upon themes such as citizenship and mutual understanding.

153. In Northern Ireland the Belfast Agreement includes the recognition of the importance of respect, understanding and tolerance in relation to linguistic diversity. The Department of Culture, Arts and Leisure informed the Committee of Experts during its visit to Belfast that the school curriculum is currently being revised in order to make specific reference to Irish and Ulster Scots.

154. In their second report, the UK authorities state that in Wales "the development and implementation of the Assembly Government's Race Equality Scheme [2005 – 2008] is also integrated with the Assembly Government's Welsh Language Scheme and Iaith Pawb [A National Action Plan for Bilingual Wales]".

155. The Scottish Executive's National Cultural Strategy promotes the existence of traditional and new linguistic groups in Scotland as an enriching aspect of cultural diversity. However, it is unclear to the Committee of Experts how this strategy has been implemented.

156. The "Sense of Place" project initiated by the Cornish local authorities and used in many schools in Cornwall, aims at strengthening the pupils' sense of culture and heritage of their homeland, including the Cornish language, by giving the national curriculum a Cornish perspective (see also para. 114 above).

157. The media in the Isle of Man shows a positive attitude towards the Manx Gaelic language. As mentioned above, a two-hour radio programme informs the Manx population on the Manx language. One good example and sign of the positive strategy of promoting Manx Gaelic is the growing popularity of the language not only among the native Manx but also among the non native residents on the Isle of Man, that make up 50% of the total population. This is especially true for the younger generation (see para. 125 above).

158. The government reports that its approach to the promotion of Manx Gaelic is to create a positive atmosphere towards the language.

159. As mentioned in the first evaluation report (para. 88), the Committee of Experts has this time again been made aware of articles in the press and programmes on television and other media in which speakers of regional or minority languages have been ridiculed or portrayed in a negative way. The Committee of Experts repeats that it believes that more could be done to encourage the media to refrain from contributing to prejudice by for example ridiculing persons solely on the basis that they belong to a regional or minority culture or speak a regional or minority language.

160. The Committee of Experts recalls that the extent to which a regional or minority language is protected or promoted is, in many respects, linked to the majority language speakers' perception of regional or minority languages. Awareness raising among the majority population is therefore of utmost importance. As indicated by this provision, education and the media are especially relevant in this respect (see the first evaluation report on the implementation of the Charter in Spain, ECRML (2005) 4, paragraph 182 and second evaluation report on Sweden, ECRML (2006) 2, paragraph 63).

The Committee of Experts encourages the authorities to include within the objectives of education and training in the UK at large, respect, understanding and tolerance in relation to regional or minority languages traditionally spoken in the UK.

"Paragraph 4

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages."

161. The Welsh Language Board set up a template in 2005 in order for organisations involved with the Welsh language (and also for individuals) to express their opinion on the implementation of the Charter with regard to the Welsh language. The Committee of Experts welcomes and commends this initiative.

162. According to the Welsh Language Act 1993, it is the duty of the Welsh Language Board to advise the Welsh Assembly Government on matters dealing with the Welsh language as well as having a monitoring role. There are also a number of other bodies on several levels that represent the speakers on the one hand and advise authorities on the other, for example the language initiatives Mentrau Iaith that work on communal level. Furthermore, in October 2005, the Minister for the Welsh language established a Language Forum (Fforwm Iaith) as a network for bodies and organisations dealing with the Welsh language.

163. Regarding Scottish Gaelic, the Committee of Experts has received information both from the authorities and the language organisations, that both the needs and wishes expressed by the speakers have been taken into account. One of the functions of the Gaelic Language Board is to advise the authorities. The Committee of Experts is pleased to note that a public consultation process took place on the draft Gaelic Language Bill.

164. The situation with regard to the consultation of Scots-speakers still remains unsatisfactory. Scots-speakers have been informed that the Minister for Gaelic also has responsibility for Scots, but this is not widely known according to representatives of the Scots-speakers.

165. In Northern Ireland, the remit of the two agencies of the North/ South Implementation body includes advising public bodies, administrations etc. in relation to the Irish and Ulster Scots languages.

166. The Linguistic Operations Branch of the Department of Culture, Arts and Leisure gives advice and guidance on language policy issues to the governmental departments. It also co-operates with the North/ South Language Bodies.

167. While there appears to be a dialogue between organisations representing Irish-speakers and the authorities in Northern Ireland, the position is less clear in relation to Ulster Scots.

168. With regard to Cornish, as part of the Partnership Strategy (see para. 28 above), the Cornish language NGOs work in close co-operation with the local authorities and the Government Office South (GOSW) to represent the interests of the speakers. A public consultation took place on the Cornish language draft strategy, with speakers and language learners. The strategy itself was created in direct co-operation with Cornish language NGOs. These NGOs are now in the partnership with the local authorities and the GOSW for implementing the Charter in Cornwall and in order to formalise the relationship between all parties.

169. With regard to Manx Gaelic, it does not seem that there has been any structured or established dialogue between the speakers and the government directly, or through any body. However, in the particular circumstances of the Isle of Man, the day-to-day informal contacts between the authorities and the Manx Gaelic-speakers seem to operate well.

"Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of

the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned."

170. Not applicable

2.2. Evaluation in respect of Part III of the Charter

171. The Committee of Experts has examined in greater detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter.

172. Following the focused approach which was explained above (see para. 6 above), the Committee of Experts will concentrate on the provisions of Part III in relation to which a number of issues were raised in the first monitoring round and will refer to how the UK authorities have reacted to the observations made by Committee of Experts in the first evaluation report. In the present report, the Committee of Experts will proceed by recapitulating each time the key elements under each undertaking, before evaluating how the UK authorities have reacted.

173. Consequently, for the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. These provisions are listed below.

In the case of Welsh:

- Article 8, paragraph 1.g; h;
- Article 9, paragraph 1.a.ii; a.iii; b.ii; b.iii; c.ii; c.iii; d; paragraph 2.b.
- Article 10, paragraph 1.b; c; paragraph 2.g; paragraph 4.a; paragraph 5;
- Article 11, paragraph 1.a.i; paragraph 2;
- Article 12, paragraph 1.a; b; c; d; e; f; g;
- Article 13, paragraph 1.a; paragraph 2.e.

In the case of Scottish Gaelic:

- Article 10, paragraph 5;
- Article 11, paragraph 2;
- Article 12, paragraph 1.f; g; paragraph 3;
- Article 13, paragraph 1.a.
- Article 14, a; b.

In the case of Irish:

- Article 8, paragraph 1.f.ii; g;
- Article 9, paragraph 3;
- Article 10, paragraph 2.e;
- Article 11, paragraph 2;
- Article 12, paragraph 2;
- Article 14, a.

174. For these provisions, the Committee of Experts refers to the conclusions reached in its first report but reserves the right to evaluate the situation again at a later stage.

2.2.1. *The Welsh language*

Article 8 – Education

175. The Welsh Language Board (WLB) maintains a strategic overview of the provision of Welsh-medium education. In 2004, it produced and published a Welsh Language Education Strategy.

176. All Local Education Authorities (LEAs) are required to produce Welsh Language Schemes under the Welsh Language Act 1993 (see paras. 219 - 225). The focus of these schemes is to make a strategic plan over a five-year period for the provision of Welsh-medium and bilingual education to all children whose parents so demand and within a reasonable travelling distance. The WLB gives guidelines on these schemes and is also planning to develop a methodology that will be able to measure demand. Newport is the first council to hold a consultation with parents to directly enquire whether they would prefer Welsh-medium or English-medium education for their children.

177. The Single Education Plan (Wales) Regulations 2006 replaces four current strategic education plans required by statute, but also contains new regulations. The plan, which will have effect for a two-year period from September 2006, must be produced and published by the Local Education Authorities (LEA) after consultation with, among others, the Welsh Language Board (see section 6.(2)(e). Under Part II, regulation 3.(g), the plan must include a strategy for the “support for linguistic continuity in the Welsh language”. And under the same Part, the authority is also required to declare a strategy for planning school places that takes into account the demand for Welsh-medium places (see Part II, section 5.(c)). Finally in more detail, the LEA is to provide information on the “demand for Welsh-medium provision in schools maintained by the authority as compared with available places for the school year 2005 – 06 and the following five school years” (see section (c) of Supporting Information).

178. During the on-the-spot visit to Wales, several representatives of speakers drew the Committee of Experts’ attention to the fact there was still no clear definition of Welsh-medium schools or bilingual schools, but a plethora of different methods and considerable variation in the degree of Welsh language in education. The Welsh Language Board (WLB) states in its submission that the Welsh Assembly Government and relevant partners have agreed that there is a need to reach a consensus on a definition for Welsh-medium and bilingual schools.

179. Although there is an increase of exposure to the Welsh language in English-medium schools on all levels, there does not seem to have been a sufficient expansion of Welsh-medium education since the last report to meet the growing demand.

180. In its written submission to the Committee of Experts, the WLB reports that the Assembly Government has established a group to determine an action plan with the aim to improve Welsh-medium and bilingual services for children with special educational needs. According to the WLB, there are currently still significant gaps.

"Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

Pre-school Education

"a.i. to make available pre-school education in the relevant regional or minority languages;"

181. In its last evaluation report (para. 103), the Committee of Experts considered the undertaking fulfilled in most cases. It however raised concerns about a possible lack of Welsh-medium pre-school provision due to limited funding of the voluntary organisation, Mudiad Ysgolion Meithrin (MYM) and shortage of staff.

182. Funding from the Welsh Language Board to MYM in 2004/ 05 stayed at the same level (£1.03 million in 2004/05 - £1 million in 2003/04). In 2004/05 MYM also received core funding directly from the Welsh Assembly through grant schemes.

183. The Welsh Assembly Government makes funding available to MYM to employ a development officer for working in the early years sector. Representatives of education organisations informed the Committee of Experts during its on-the-spot visit that there was still a shortage of qualified Welsh-speaking staff for the early years in education in some areas in Wales.

184. With regard to staff shortage, the authorities report that a long term solution will be found to ensure a career path for practitioners with access to qualifications through a partnership with MYM and Trinity College, Carmarthen.

185. The Committee of Experts notes these positive developments and looks forward to more information in the next periodical report of the results which may be produced by the measures mentioned above. The Committee of Experts considers the undertaking fulfilled.

Primary Education

"b.i. to make available primary education in the relevant regional or minority languages;"

186. In its last evaluation report (para. 107), the Committee of Experts considered this undertaking fulfilled in most cases, however was informed that the provision did not meet the demand and that the practical availability of Welsh-medium and bilingual education varied (i.e. in distance and some were overcrowded).

187. The UK authorities report that Welsh-medium provision is available in 448 schools which is a slight increase, and bilingual education is available in 58 schools, which is a decrease from a reported 87 schools in the first report. However, the Welsh Language Board (WLB) informed the Committee of Experts there are 72 schools offering bilingual education. The Committee of Experts has not received any figures concerning the number of pupils in bilingual or Welsh-medium education.

188. During the on-the-spot visit, the Committee of Experts was informed by NGOs of a growing demand for Welsh-medium primary education. According to Rhieni dros Addysg Gymraeg (RhAG), an organisation promoting Welsh-medium education, opinion polls reveal that 40 – 50% of parents would like to send their children to Welsh-medium schools or would like their children to speak Welsh, but only 20% enter Welsh-medium education. RhAG therefore see a gap between provision and latent demand. While the Committee of Experts was informed by the representatives of the Welsh-speakers that there are Welsh-medium schools in all counties, the provision was patchy in some areas.

189. The provision of primary Welsh-medium and bilingual education is on the whole very good. However, there seems to be a difficulty in meeting the increased demand for such education. In that context the Committee of Experts considers the undertaking partly fulfilled.

The Committee of Experts encourages the authorities to increase the efforts to make available primary Welsh-medium education to meet the demand.

Secondary Education

"c.i. to make available secondary education in the relevant regional or minority languages;"

190. The Committee of Experts was not able to conclude on this undertaking in the last report. It was particularly concerned about the lack of continuity from primary to secondary school and the varying percentage of Welsh-medium subjects (para. 113).

191. The UK report states that there are 54 "Welsh-speaking schools" at secondary level, which seems to comprise Welsh-medium and bilingual schools with a most varying degree of the amount of subjects taught through the medium of Welsh.

192. The Committee of Experts was informed that about 50% of primary pupils currently do not continue on Welsh-medium secondary schools. The issue of the lack of continuity is addressed as an action point in Iaith Pawb, the National Action Plan for bilingual Wales. The Welsh Assembly Government (WAG) commissioned the Qualifications, Curriculum and Assessment Authority for Wales (ACCAC) to investigate upon this. The authorities informed the Committee of Experts during its on-the-spot that the report of ACCAC reveals that the problem is confined to certain parts of Wales. Therefore the WAG intends to inform local authorities in these areas about the benefits of bilingualism.

193. According to the report, there are still a number of parents who are not confident about sending their children to Welsh-medium secondary schools, especially in the traditional areas (except Gwynedd). The report also states that the advice and guidance provided on behalf of the local education authorities to the schools on Welsh-medium education was not always satisfactory.

194. The Welsh Language Board informed the Committee of Experts that it has undertaken work in areas with a lack of continuity, especially on consulting and informing parents.

195. The Committee of Experts has not received any information explaining the reasons for this lack of continuity. The Committee of Experts is therefore still unable to conclude on this undertaking and urges the authorities to provide more information in the next periodical report.

Technical and vocational education

- "d.i. to make available technical and vocational education in the relevant regional or minority languages; or
- d.ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- d.iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient"**

196. In its last report (para. 117), the Committee of Experts considered this undertaking not fulfilled.

197. From the information obtained in the second state report, the responsibility for the development and funding of vocational education provision rested with Education and Learning Wales (ELWa, formerly a separate body, but now integrated into the Welsh Assembly Government as part of the Department of Education and Lifelong Learning), whose Bilingual Teaching Unit has developed a strategy in partnership with other bodies with regard to Welsh-medium vocational training. ELWa had formulated a Welsh-Medium Strategy for vocational education. Five key areas of vocational training were to be prioritised in the short term: media, nursing and social care work, tourism and leisure, agriculture, information and technology, and business and administration. The Strategy also aimed to deal with the training of Welsh-medium staff and assessors, and commission study materials. Concern was expressed during the on-the-spot visit as to whether, given ELWa's integration into the Department of Education and Lifelong Learning, there would be a clear strategy in this area.

198. The Committee of Experts met the Welsh Language Board (WLB) during its on-the-spot visit, according to whom the provision for vocational education has not improved or increased. Although the WLB has Welsh Language Schemes applicable to vocational training, this does not seem to have a large impact. According to the WLB, there are 2 – 3 colleges in the north of Wales that offer Welsh-medium vocational training.

199. The Committee of Experts was informed during its on-the-spot visit that for certain courses the problem was a shortage of examiners more than a shortage of trainers.

200. According to the WLB, the new Sectors Skills Councils and the awarding bodies will play a key role in developing Welsh-medium vocational training and assessment opportunities and therefore their status needs to be clearly defined under the Welsh Language Act to prepare Welsh Language Schemes. Currently, only 2 out of 25 Sectors Skills Councils and 1 awarding body are implementing a Welsh Language Scheme.

201. The WLB also states in its submission paper that 17 of the 23 Further Education institutions have so far adopted Welsh Language Schemes with a three-year strategic plan on developing Welsh-medium vocational training.

202. With regard to training of pre-school practitioners, the Committee of Experts was informed that funding was created for the training of 300 future practitioners that qualified in March 2006. According to Mudiad Ysgolion Meithrin (MYM), 3000 practitioners are needed. MYM trained 38 new assessors to train through the medium of Welsh. There are also 150 practitioners trained at higher education level at Trinity College Carmarthen. The Committee of Experts welcomes this, but seconds the statement of the WLB that the impact of these courses needs to be evaluated over a period of time and that a sustained programme of training is needed.

203. The Committee of Experts has taken note of the positive steps taken since the last monitoring round. It seems, however, that these are of a more preparatory nature. The Committee of Experts hopes that the steps taken will have a positive impact and is looking forward to receiving information concerning the results of these measures. However, it is still concerned about the situation with regard to Welsh technical and vocational training and encourages the authorities to develop and strengthen the offer of Welsh-medium and/or bilingual vocational and technical education.

204. The Committee of Experts considers this undertaking not fulfilled.

University and Higher Education

"e.i. to make available university and other higher education in regional or minority languages; or

e.ii. to provide facilities for the study of these languages as university and higher education subjects; or

e.iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects"

205. In its last evaluation report (paras. 119 - 121), the Committee of Experts considered this undertaking fulfilled for the teaching of Welsh as a subject of higher education and partly fulfilled for Welsh-medium education at university level.

206. From the information obtained in the second UK report, there has been a slight increase in Welsh-medium provision since the last report. 3.2% of the students in Wales currently study through the medium of Welsh.

207. The Welsh Assembly Government (WAG) has set a target of 7% of students by 2010 who will do at least part of their degree through the medium of Welsh. £2.9 million will be awarded to Welsh universities over the next 7 years towards staff developments (Fellowships and Teaching Scholarships). A further £900 000 has been earmarked for further support in Welsh-medium provision. The development of Welsh-medium higher education is co-ordinated by the Welsh-Medium Development Centre at the University of Wales.

208. The Welsh Language Board informed the Committee of Experts that out of 13 higher education institutions, 11 have agreed a Welsh Language Scheme, similar to the Further Education schemes (see para. 198 above).

209. Currently, 28 subjects, amounting to 55 university courses at 10 universities in Wales, are taught wholly or partly through the medium of Welsh.

210. The Committee of Experts notes the positive initiatives taken and looks forward to the implementation of the envisaged measures. Based on information received and the nature of the obligation, it considers the undertaking fulfilled.

Adult and continuing education

"f.ii. to offer such languages as subjects of adult and continuing education; "

211. There are adult and continuing education classes in Welsh throughout Wales. The authorities report that Education and Learning Wales (ELWa) was to restructure the Welsh for Adults programme, following a survey it had commissioned on the quality of adult Welsh education. In order to ensure a more strategic leadership, planning and support, ELWa was to establish 6 dedicated language centres, a framework of language levels and a national qualification for tutors. Also, funding for these courses has been brought in line with the weighting of courses for English as a second language. The Welsh Language Board has expressed its concern over the delay in progress with this work.

212. The Committee of Experts considers this undertaking fulfilled.

Monitoring

"i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public"

213. In its last evaluation report (paras 130 - 134), the Committee of Experts considered that this undertaking was not fulfilled as there was no body performing the tasks envisaged in this undertaking, nor has it been made aware of any reports.

214. On the basis of the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)¹), the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Welsh, to “**establish a system for monitoring the measures taken and progress achieved in regional or minority language education, including the production and publication of the findings**” (RecChL(2004)¹).

215. The Committee of Experts addressed this issue to the authorities during its on-the-spot visit. The Welsh authorities explained that they did not wish to establish a specific monitoring body for Welsh-medium education, since this will be mainstreamed and therefore will fall under the normal school inspection mechanism.

216. The UK authorities report that Estyn, Her Majesty’s Inspectorate for Education and Training Wales, reports on the quality and standards of Welsh-medium education. The Welsh Language Board (WLB) observes that the monitoring of Welsh-medium education is carried out by different bodies: Apart from Estyn, these are ACCAC, the Welsh Joint Education Committee (WJEC) and of course the WLB. Although there are several bodies monitoring certain aspects of Welsh-medium education, there is no specific mechanism for monitoring the measures taken and progress achieved in the provision of Welsh medium and bilingual education and for producing periodical public reports. Such mechanisms need not involve any element of compulsion or prescription which appears to have been the concern of the UK authorities in their comments on the first periodical report.

217. The Committee of Experts considers the undertaking not fulfilled.

The Committee of Experts encourages the authorities to establish a dedicated mechanism for monitoring the measures taken and progress achieved in the provision of Welsh medium and bilingual education and for producing periodical public reports.

Article 9 - Judicial authorities

218. As mentioned in the previous evaluation report, the situation relating to the administration of justice is good with regard to the Welsh language. During the on-the-spot visit the Committee of Experts received more detailed information regarding administration of justice in relation to Welsh. There is a liaison judge for the Welsh Language who has the responsibility of ensuring the practical implementation of the legislation relating to the use of Welsh in the courts. Training is organised for Welsh-speaking judges in the use of the language in courts, and practical measures have been taken to ensure that witnesses and parties can use Welsh, such as through the use of interpreters and the use of subtitling in video evidence from children. At most levels in the system there appear to be judges who are able to use Welsh. Indeed, competence in Welsh is a requirement to be appointed as a district judge in North Wales. Nevertheless, concern was expressed that many newly appointed magistrates in areas where the Welsh language is strong, were unable to speak Welsh.

Article 10 - Administrative authorities and public services

219. As outlined in the last Committee of Experts report (para. 144), all public bodies which provide services to the public in Wales must prepare a Welsh Language Scheme under the Welsh Language Act 1993, if called upon by the Welsh Language Board (WLB).

220. The UK report states that the WLB has set the target to significantly increase the monitoring of Welsh Language Schemes. For this purpose, the staff of the WLB has increased with funding coming from Iaith Pawb (A National Action Plan for Bilingual Wales). Currently 331 language schemes have been improved and more are in preparation.

221. However, evidence submitted to the Committee of Experts during its on-the-spot visit suggests that there are still difficulties in the implementation of many Welsh Language Schemes, and that the degree in

which the schemes are delivered in practice, can vary substantially. It is hoped that the increase in monitoring will lead to an improvement.

222. In agreement with the WLB, each local authority develops its own language scheme. Every three years each local authority revises and amends its individual language policy. Many local authorities have adopted the good practice scheme of the WLB. During its on-the-spot visit, representatives of the local councils raised the issue that it occurs that Welsh Assembly Government guidelines in some areas do not take sufficient account of the adopted language schemes, which creates difficulties.

223. In general, the Welsh Language Schemes deal more with the usage of the language in relation to the public than with the internal usage in administrations.

224. During the on-the-spot visit, concerns were raised with regard to the fact that some district councils and public bodies subcontract out to third party agents or partners (including private and voluntary sector organisations) to conduct services on their behalf, and were worried that the Welsh Language Scheme might not apply to these bodies. The Committee of Experts addressed this problem to the Welsh authorities during the on-the-spot visit who assured that the legal obligation to follow Welsh Language Schemes remained in the case of outsourcing.

225. However, it is not clear to the Committee of Experts whether these services will be monitored and reported upon in an equal fashion and whether the same quality of implementation of the language scheme can be guaranteed.

"Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a .i. to ensure that the administrative authorities use the regional or minority languages;"

226. In its first evaluation report (para. 145), the Committee of Experts considered this undertaking fulfilled in most cases and asked the authorities to provide more information, however no update was provided by the authorities in this respect.

227. The Committee of Experts received information from representatives of local authorities that some local state administration bodies pursue a bilingual policy and that the job centres, for example, were exemplary. According to the Welsh Language Board, most crown bodies are implementing a Welsh Language Scheme.

228. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a. the use of regional or minority languages within the framework of the regional or local authority;***
- b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;***
- c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;***
- d. the publication by local authorities of their official documents also in the relevant regional or minority languages;***
- e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;***
- f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"***

229. In its last evaluation report (paras. 150 - 151), the Committee of Experts considered the above undertakings fulfilled with regard to the National Assembly for Wales and also with regard to the local authorities.

230. During its on-the-spot visit, the Committee of Experts met with representatives of the local authorities who were concerned that there was a negative trend with regard to the usage of Welsh at the workplace and at council meetings.

231. The Welsh Language Schemes primarily deal with the use of the language in public service, not with its internal use in administration. However, identifying the positive impact that wider use of Welsh within public administrations could have, the WLB has pioneered a project on the internal use of Welsh within the North Wales Police and Ceredigion Council.

232. The Committee of Experts encourages the authorities to provide more information regarding the practical use of Welsh in respect of local authorities. It considers the undertakings fulfilled with regard to the National Assembly for Wales but is not in a position to conclude with regard to the local authorities.

"Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

a. to ensure that the regional or minority languages are used in the provision of the service;"

233. In its last report (para. 154), the Committee of Experts was unable to draw a conclusion on this undertaking due to lack of information on the practical implementation.

234. The UK report states that those bodies that have adopted a Welsh language scheme are required to make an annual report on its implementation to the Welsh Language Board which in return makes an evaluation and if necessary recommendations.

235. The Committee of Experts considers that there is a well developed system for monitoring the use of Welsh with regard to public services. However, it still has not received information on how monitoring leads to improvements in practical implementation of this undertaking and is therefore unable to conclude. It encourages the authorities to provide information on the practical implementation of this undertaking in the next periodical report.

Paragraph 4

"With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

"b. recruitment and, where necessary, training of the officials and other public service employees required;"

236. In its last evaluation report (paras. 156-158), the Committee of Experts considered this undertaking partly fulfilled due to the fact that despite requirements deriving from individual language schemes and certain efforts being made, there was no standard, officially recognised accreditation basis.

237. The Welsh Language Board reported in its submission paper that it continues to investigate this issue and intends to produce guidance.

238. The Committee of Experts considers the undertaking still partly fulfilled.

Article 11 - Media

"Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

"d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;"

239. In its first evaluation report (para. 163), the Committee of Experts considered this undertaking fulfilled. The Welsh authorities informed the Committee of Experts that Sgrŷn, the Media Agency for Wales, has been replaced by a new agency. According to the Welsh authorities, the new media agency will have access to a £7 million Intellectual Property Fund and will ensure that the Welsh language is represented in all aspects of film production.

240. The authorities further report that the Welsh language television channel S4C continues to make funds available for production companies, now on a medium- to long-term basis.

241. The Committee of Experts concludes that this undertaking is fulfilled.

"e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;"

242. In the last evaluation report (para. 165), the Committee of Experts considered this undertaking fulfilled although it observed that there was no daily national newspaper in the Welsh language.

243. The Committee of Experts has been informed that a company has been established to create a national daily newspaper in Welsh called 'Y BYD'. The Committee of Experts has received numerous letters and submissions from different organisations that strongly support this venture.

244. The Committee of Experts considers this undertaking still fulfilled. The Committee of Experts welcomes the positive developments towards the establishment of a daily newspaper and encourages the authorities to provide information on the progress in the next periodical report.

"f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;"

245. In its first evaluation report (paras. 166-167), the Committee of Experts considered this undertaking fulfilled. The former media agency Sgrŷn has been replaced by a new agency, co-ordinated by the new Creative Industries Service.

246. The closure of Sgrŷn also means that the MEDIA programme funded by the European Commission mentioned in the last evaluation report (para. 166), will now be administered by the Creative Industries Service.

247. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media."

248. In its last evaluation report (para. 171), the Committee of Experts was unable to conclude on this undertaking due to lack of information on how this undertaking will be complied with through the media regulator OfCom.

249. The UK authorities report that OfCom has established an office in Wales with a Welsh representative on the Content Board. OfCom has also created an advisory committee for Wales.

250. The Welsh Language Board reports in its submission paper that OfCom is preparing a Welsh Language Scheme, though the scheme does not appear to address the specific issue raised by this undertaking.

251. The Committee of Experts considers that, under the current arrangements, the undertaking is fulfilled.

Article 12 - Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

"h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language."

252. In its first evaluation report (paras. 183), the Committee of Experts considered this undertaking fulfilled. In their second report, the UK authorities list new work achieved in the field of Welsh terminology: for example, an online data base of standardised names, an online data base of Information technology terms, a Welsh version of Microsoft Windows and Office. Most of the terminology work is co-ordinated by the Welsh Language Board (WLB). The WLB reports that other public bodies have also produced glossaries of standardised terms in their fields of work.

253. The Committee of Experts commends the progress and continuous work undertaken and considers this undertaking fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

"Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

254. In its last evaluation report (paras. 184-185), the Committee of Experts could not conclude on these undertakings due to insufficient information. The Committee of Experts has still not received information that makes it possible to evaluate if the undertaking is fulfilled or not, and it urges the authorities to provide such information in the next periodical report.

Article 13 - Economic and social life

255. During its on-the-spot visit, the Committee of Experts gained the impression that a predominant and recurring problem was the fact that private bodies are not obliged to apply Welsh language schemes. The Committee of Experts understands that the Welsh Language Board aims at informing companies and bodies in the private sector on the benefits of bilingualism.

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:"

"c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;"

256. Due to insufficient information the Committee of Experts was not in a position to conclude on this undertaking in its first evaluation report (para. 187).

257. The UK authorities report that the development and implementation of the Wales Second Race Equality Scheme (2005 – 2008) is linked to Iaith Pawb (A National Action Plan for Bilingual Wales). In a further submission, the Welsh Assembly Government reports that a number of bodies provide language awareness and sensitivity training for their staff.

258. A representative of the Welsh Consumer Council reported to the Committee of Experts that it was not aware of any kind of discouragement of the use of Welsh. While the Welsh Language Board is of the same opinion, it regrets that the authorities have not actively promoted and integrated the Welsh language into the social and economic development activities either.

259. The Committee of Experts has not received any information indicating the existence of practices designed to discourage the use of Welsh.

260. The Committee of Experts therefore considers the undertaking fulfilled.

"Paragraph 2

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

b. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;"

261. In its first evaluation report (para. 188), the Committee of Experts considered this undertaking fulfilled. The authorities report that Assembly Sponsored Public Bodies (ASPBs) are required to mainstream the Welsh language, a process that will be monitored by the Welsh Assembly's Welsh Language Unit. This should affect, for example, the Care Council for Wales, whereas the Wales Tourist Board will be one of the ASPBs that have merged into the Welsh Assembly Government.

262. The UK report lists further interesting examples of how Welsh is encouraged, especially in the economic sector. The WAG has established an Economy Discussion Group, which carries out research work and aims at generating economic benefits with regard to the Welsh language. Menter a Busnes, an economic development company, carries out a number of projects for Welsh-speaking businesses. At local level, Gwynedd and Conwy Councils have jointly launched a Holidays in Welsh Scheme, which may be extended to other parts of Wales. The scheme aims at tourism businesses that offer Welsh-speaking services, such as accommodation, restaurants, pubs and attractions for Welsh-speaking and Welsh-learning visitors who would like a holiday through the medium of Welsh.

263. The Welsh Language Board continues to promote the use of Welsh in the economic and social sector. As to undertakings owned or controlled by public bodies, these, like outsourcing contractors, are covered by the Welsh languages schemes of the relevant public body when delivering public services.

264. The Committee of Experts commends the authorities for their continuous support. Based on the information received, it considers the undertaking fulfilled.

"c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;"

265. In its last report (para. 189), the Committee of Experts observed shortcomings in services in Welsh in a range of social care facilities, and therefore concluded that the undertaking was not fulfilled. It encouraged the authorities to take measures to ensure that social care facilities offer services in Welsh to people who are in need of care and wish to use that language.

266. On the basis of the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)¹), the Committee of Ministers adopted the recommendation addressed to the UK authorities to **"improve the use of Welsh in social care facilities, particularly hospitals and care of the elderly"**. (RecChL(2004)¹).

267. The authorities repeat in the second state report that the Task Force established by the Welsh Assembly Government (WAG) deals with Welsh Language Services with regard to the health and care sector. The UK authorities also report that in 2004 the Task Group also commissioned a study of Welsh language awareness in the healthcare provision in Wales. The WAG has also established a Welsh Language Unit within the Health and Social Care Department.

268. The UK authorities further list a range of activities that have been initiated in this respect: The Task Group commissioned a language awareness training pack, *lechyd Da!*, that was distributed to all Higher Education Institutions delivering healthcare courses with the requirement to deliver it to first year students. Existing staff were also to be made aware of the training pack.

269. Welsh Language Champions Group of the Trusts and Local Health Boards have a meeting twice a year. All these boards now have Welsh language schemes.

270. In 2004/ 05 the Care Council for Wales worked on a toolkit which provides guidance on the needs of Welsh-speaking service users.

271. In May 2005, the WAG seconded a National Liaison Officer for Welsh Medium Speech and Language Services who will, among other things, consider the training requirements of speech and language therapists.

272. The WLB reports that it established a Health and Social Care Unit to monitor language schemes. According to the WLB, investment in better language skills, and linguistic awareness training needs to be prioritised.

273. During the on-the-spot visit, the Committee of Experts however was informed by representatives of speakers that there has been little improvement in the actual implementation. It seems that a Welsh language service continues to be a matter of chance, rather than design, in general it seems to be reactive rather than pro-active, and it still varied whether Welsh was used at care facilities or whether this was encouraged. For example, there was a lack of Welsh-speaking doctors. Apparently there is a lack of social care workers in general in Wales.

274. The Committee of Experts acknowledges the positive steps being taken. However, since the undertaking requires the authorities to *ensure* that Welsh is used in social care services, the Committee of Experts must conclude that the undertaking is not fulfilled at present.

The Committee of Experts urges the authorities to strengthen their efforts to ensure that health and social care facilities offer services in Welsh.

2.2.2. *The Scottish-Gaelic language*

Article 8 - Education

275. In its first evaluation report (para. 197), the Committee of Experts noted that the provision of Gaelic-medium education was patchy and in some areas non-existent.

276. It was reported to the Committee of Experts in this second monitoring round that the lack of continuity from Gaelic-medium primary to secondary education is still of considerable concern. Representatives of speakers were also worried about the disparity and the patchy provision of Gaelic-medium education, especially in areas with a high concentration of speakers, in the traditional Gaelic-speaking heartlands.

277. Scottish Gaelic NGOs voiced their concern during the Committee of Experts' on-the-spot visit that each individual local authority can set its own minimum criteria to allow the setting-up of a Gaelic-medium class or school, a problem that was addressed by the Committee of Experts in its last report (para. 197). Such a provision seems in some cases to be regulated on an ad-hoc basis or depending on the availability of a qualified teacher.

278. In September 2004, the Scottish Executive sent out a Draft Guidance to all local authorities and encouraged them to promote and strengthen Gaelic-medium education at pre-, primary- and secondary school level. Therein, the Scottish Executive states that Gaelic-medium teaching especially at the first two levels of education should be provided where a reasonable demand exists, and that the local authorities should also make policy statements and state how this demand is defined. The Draft Guidance states that the definition of reasonable demand is left to the discretion of each individual authority.

279. The Committee of Experts was informed during its on-the-spot visit by representatives of Scottish Gaelic-speakers that a consultation process to the draft guidance was launched with the education authorities and that the process had been taking a considerably long time and was therefore still not in force. They were also concerned that, at present, the guidance was merely directed towards those local authorities already in receipt of the Gaelic specific grant.

280. The authorities report that the Scottish Executive gives a specific grant to support Gaelic-medium education from pre- to secondary schools.

281. Although many local authorities offer Gaelic-medium education, only a few have adopted a comprehensive policy, notably the Highland Council, Western Isles Council and Argyll & Bute. The Committee of Experts has been informed that the minimum number of pupils to create a Gaelic-medium class in the Highland Council or in Argyll & Bute Council is currently at around 4 – 7 pupils. The UK School Inspector's (HMI) report on Gaelic education (see paras. 333 - 336 below) concluded that those local authorities with a clear policy commitment were the most effective in developing a coherent strategy in Gaelic-medium provision.

282. Apart from the existing regulations and legal provisions concerning Scottish Gaelic education that were mentioned in the last evaluation report (paras. 193 – 196), the new Gaelic Language Act makes express references to Gaelic-medium education. One of the main functions of the Gaelic Language Board will be the facilitation of Gaelic education, including advice and guidance to the authorities and public bodies. The Board is charged among other things with developing a National Gaelic Language Plan that must also include a national education strategy. In addition, the board may also request a public education body to develop a Gaelic Language Plan.

283. However, during its on-the-spot visit, the Committee of Experts met with representatives of Gaelic-speakers who expressed their regrets that the Gaelic Language Act does not establish any statutory right to Gaelic-medium education, for which all Scottish Gaelic language organisations and the Gaelic-speaking community have called. They expressed the hope that the Gaelic Language Board will create a national, over-arching and comprehensive language education policy that will lead to a consistent approach to access to Gaelic-medium education at local level.

284. The Scottish Executive's 'Partnership Agreement' (see para. 39 above) states that the Executive will continue investing in Gaelic-medium education highlighting support for teacher training provision. It was reported by several organisations that major progress has been made in the production of high quality teaching materials.

285. The second state report states that central funding is provided to Stòrlann Nàiseanta na Gàidhlig, a national body that produces learning and teaching materials for pre-school up to secondary school level. Also, Learning and Teaching Scotland has provided support through the management of a Gaelic online website that gives access to primary and secondary support materials.

286. The Committee of Experts was informed during its on-the-spot visit by an NGO that 75% of Gaelic-medium education is funded by the Scottish Executive and 25% by the local authorities. It was also informed that the costs at primary level are the same for Gaelic-medium as for English-medium. Local authorities can bid for a ring fenced Gaelic Specific Grant for new projects in Gaelic-medium education. All the representatives of the local authorities remarked that there were structural problems in terms of funding and teacher supply in certain subjects, especially at secondary and tertiary level. The Committee of Experts asks the authorities to provide more detailed information regarding this funding mechanism in the next periodical report.

287. With regard to the digital curriculum designed by BBC for school pupils (BBC Jam), there will be a Gaelic version from autumn 2006 – 2008 for 4 different subjects: maths, science, geography and history.

"Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:"

Pre-school Education

"a.i. to make available pre-school education in the relevant regional or minority languages;"

288. The authorities report that 1236 children received Gaelic-medium pre-school education in 54 nurseries or nursery units throughout Scotland in 2003/04. The Committee of Experts is pleased to note that this is an increase since the last monitoring round.

289. Direct funding is given to the Gaelic Pre-School Agency (Comhairle nan Sgoiltean Araich) that promotes Gaelic at pre-school level.

290. However, representatives of speakers reported that there are many gaps in Gaelic pre-school provision, even in those areas where there is a high concentration of speakers, such as in North Uist/ Outer Hebrides.

291. The Committee of Experts underlines the key role of Gaelic-medium pre-school provision, as for most of the children entering Gaelic-medium education, it is the first exposure to the Gaelic language and an essential feeder to Gaelic-medium primary schools. In this respect, the Committee of Experts would welcome more incentives for nursery staff, as, according to Comann nam Pàrant, salaries and career prospects are low.

292. The Committee of Experts cannot conclude on this undertaking and asks the authorities for a clarification on the situation of Gaelic-medium pre-school education, in those areas where there is a high concentration of speakers, such as in the Outer Hebrides, in the next periodical report.

Primary Education

"b.i. to make available primary education in the relevant regional or minority languages;"

293. In the first evaluation report (para. 207), the Committee of Experts concluded that the undertaking was only partly fulfilled due to the patchy provision of Gaelic-medium education. It was particularly concerned that provision depended mainly on the will of the local authority and also noted a shortage of qualified teachers.

294. On the basis of the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)1), the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Scottish Gaelic, to **"make primary and secondary education generally available in the areas where the language is used"** (RecChL(2004)1).

295. According to the authorities, in 2004/05 there was a total of 2008 pupils in 61 primary schools which is a further increase since the last monitoring round.

296. The Committee of Experts has been informed that the first dedicated Gaelic-medium primary school in the Highlands will be established in Inverness in 2007.

297. In the second state report it is mentioned that the Scottish Executive has a Spending Review target of increasing the number of pupils in Gaelic-medium primary education by 20% by 2009. While this is a positive target, NGOs expressed concerns during the on-the-spot visit as to whether the increase of 20% was not too modest, considering the growing demand for Gaelic-medium education and the fact that the number of Gaelic-speakers in Glasgow for example recently had increased considerably.

298. With regard to teachers, concerns were raised by NGOs during the on-the-spot visit that the lack of career opportunities for Gaelic-medium primary teachers will discourage teachers from taking this path. For example, currently there is only one head teacher post, as there is currently only one dedicated Gaelic-medium primary school. Although progress seems to have been made with the recruitment of primary teachers, there still seems to be a shortage in some areas, for example in rural Argyll & Bute.

299. The Committee of Experts received information that even in some areas where Scottish Gaelic is traditionally used and there is a demand for Gaelic-medium education, it was not available.

300. The Committee of Experts notes the positive developments since the last monitoring round, but still considers this undertaking partly fulfilled.

The Committee of Experts encourages the authorities to increase the efforts to make available primary Scottish Gaelic-medium education to meet the demand.

Secondary Education

"c.i. to make available secondary education in the relevant regional or minority languages;"

301. In its last evaluation report (para. 210), the Committee of Experts considered this undertaking partly fulfilled for the same reasons that apply to the primary level (see above).

302. As mentioned above (para. 294), the Committee of Ministers adopted the recommendation to **"make primary and secondary education generally available in the areas where the language is used"** RecChL(2004)1).

303. The authorities report that 307 pupils receive Gaelic-medium education in 15 school units, and 2583 pupils take Gaelic as a subject.

304. NGOs reported during the on-the-spot visit that there is a serious decline in Gaelic-medium education after primary school, as the figures also indicate. This is particularly worrying, since there is no systematic provision secured up to secondary level in the so-called heartland areas. Her Majesty's Inspectorate of Schools (HMI) report states that "Too many secondary schools in the area traditionally seen as 'the Gaelic heartland' have not yet embraced the concept of providing Gaelic-medium education in a range of subjects, with the potential advantages that could bring".

305. Representatives of Scottish Gaelic-speakers reported that Gaelic-medium education in the above mentioned units is in most cases restricted to the first two years of secondary education only.

306. During the on-the-spot visit, the Committee of Experts was informed that the Gaelic-medium primary school in Glasgow would expand to include secondary education in August 2006. The school will cater for pupils from the age of 3 to the age of 18, therefore comprising pre-, primary and secondary school. The Committee of Experts welcomes this important development.

307. The Scottish Executive increased its grant in 2005 for the development of Gaelic education including a contribution of £2.75 million towards Glasgow's £3.5 million cost for the establishment of the new school building.

308. The Committee of Experts understands that in many cases, dedicated units are the only practical way to provide regional or minority language medium education until there are sufficient pupils to provide a free-standing school. However, NGOs in Scotland are concerned with the many drawbacks of such units in the context of Gaelic-medium education, for example, there is a predominant influence of the English language in the school environment, and there are reports of units being closed or moved. Due to this insecurity, parents are hesitant to send their children to such units.

309. The shortage of teachers is also of considerable concern at secondary level, particularly in certain subjects (see also paras. 326 – 332 below).

310. The Committee of Experts noted with interest that the Scottish Executive is also investigating the possibility of employing new technology in connection with Gaelic-medium education at secondary level. This could serve as a support mechanism for Gaelic-medium education, especially with regard to distance learning. According to the UK report, the Scottish Executive has established a working group to look at the needs and possibilities of involving ICT for the delivery of Gaelic-medium education. Plans include a virtual secondary school project. For this purpose, Gaelic-medium secondary school teachers have already participated in training sessions. The Committee of Experts is also aware of the recent Am Baile education portal in Gaelic for pupils and teachers on topics related mainly to the Highlands.

311. The Committee of Experts welcomes the positive steps taken, especially the expansion of the Gaelic-medium school into secondary education in Glasgow, but still considers the undertaking partly fulfilled.

Technical and vocational education

"d.i. to make available technical and vocational education in the relevant regional or minority languages; or

d.ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

d.iii. to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

d.iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient"

312. In its first evaluation report (para. 214), the Committee of Experts considered this undertaking partly fulfilled.

313. The Committee of Experts has not been informed on how the demand is measured for the teaching in/ of Scottish Gaelic in the context of technical and vocational education and asks the authorities for a clarification on this matter. The Committee of Experts also asks the authorities to provide more detailed information in the next periodical report on whether Scottish Gaelic language courses are linked to technical and vocational education, and if so, how they are linked.

314. The Committee of Experts considers this undertaking partly fulfilled.

University and Higher Education

- "e.i. to make available university and other higher education in regional or minority languages; or*
- e.ii. to provide facilities for the study of these languages as university and higher education subjects; or*
- e.iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects"***

315. In addition to the information presented in the Committee of Experts' previous report, it was announced in May 2006 that Gaelic College on the Isle of Skye (Sabhal Mòr Ostaig - SMO) will receive an additional £3.5 million core funding from the Scottish Executive for four years to make SMO the national centre for the development of Gaelic language and culture. The Committee of Experts commends the authorities for its support.

316. Furthermore, apart from the Gaelic-medium degree courses offered at SMO, Lews Castle College seems to offer some degree courses through the medium of Gaelic at least to some extent, such as a diploma in Gaelic and Communication, and BA in Gaelic with North Atlantic Studies, Gaelic Language & Culture, and Gaelic and Media Studies.

317. The Committee of Experts considers this undertaking fulfilled.

Adult and continuing education

- "f.iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;"***

318. In its first evaluation report (para 218-223), the Committee of Experts considered the undertaking fulfilled. Highland Council seems to be the only local authority to have created an adult education policy with regard to Scottish Gaelic and has incorporated it in its Community Learning and Culture Services (2005). Representatives of speakers have raised concerns that comprehensive adult learning courses (complete courses at beginners, intermediate and advanced level) are not offered systematically.

319. The authorities report that direct funding is given to CLI, the organisation for adult learners. During the on-the-spot visit, CLI pointed out the growing importance of adult learning courses, especially for the increasing number of non Scottish Gaelic-speaking parents who send their children to Gaelic-medium schools.

320. The Committee of Experts was informed during the on-the-spot visit by representatives of the speakers that the Scottish Executive has an individual learning account scheme, and courses, including Scottish Gaelic, are free for those with a lower income. However, the request was made to make these courses available free of charge for everyone, which is the case for example for computer courses. Another concern was that Gaelic language courses should be provided with a lower enrolment criterion than for other courses.

321. The authorities report that Learn Direct Scotland has produced adult learning materials.

322. The Committee of Experts considers this undertaking fulfilled.

Teaching of history and culture

- "g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language"***

323. In its last evaluation report (para. 226), the Committee of Experts was not able to conclude on this undertaking due to lack of information on practical implementation of the Scottish curriculum guidelines.

324. While the teaching of the history and culture which is reflected by Scottish Gaelic is taught at some schools, it seems to be a matter of choice for the individual school. The Committee of Experts is of the opinion that this does not meet the requirement to make arrangements to *ensure* the teaching of the history and culture of the Gaelic language.

325. Based on the information received, the Committee of Experts considers this undertaking not fulfilled.

Basic and further training of teachers

"h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party"

326. In its last evaluation report (para. 231), the Committee of Experts considered this undertaking partly fulfilled and encouraged the authorities to strengthen the basic and further training of teachers.

327. The authorities report that with government funding, the Gaelic Development Agency, Comunn na Gàidhlig, is campaigning to encourage school graduates to consider a career in Gaelic education. For this purpose teacher recruitment materials have been produced.

328. In the above mentioned Draft Guidance 2004 (see para. 278 above), the Scottish Executive encourages the Scottish Higher Education Funding Council (SHEFC) responsible for funding teacher education institutions, to assist in promoting Gaelic teachers as this is a priority for the authorities in the field of education.

329. The Committee of Experts was informed by NGOs during its on-the-spot visit that improvements in teacher training have been made at the universities in Strathclyde and Aberdeen. SHEFC provides additional funding to Strathclyde University which guarantees a total of 20 places for one year of courses for the Professional Graduate Diploma in Education (PGDE) for Gaelic-speakers (for primary level). The Gaelic-medium education version of the PGDE for primary and secondary school level was developed in association with UHIMI (especially Lews Castle College) and local authorities. Also, the University of Strathclyde introduced a module for initial teacher training for secondary teacher trainees for certain subjects.

330. The Scottish authorities informed the Committee of Experts that it is currently funding a conversion course at the Gaelic College on the Isle of Skye (Sabhal Mòr Ostaig - SMO) for qualified teachers who are fluent Gaelic-speakers to enable them to teach through the medium of Gaelic.

331. Although these steps are very positive, the UK School Inspectorate's (HMI) report of 2005 notes that even the budgeted number of places for teacher training were not being filled. It identifies problems concerning teacher recruitment and supply as being the key obstacle to expanding Gaelic-medium education. The authorities report that a Gaelic Medium Teachers' Action Group has been established to consider these matters and produced a report with a list of key recommendations in November 2005.

332. The Committee of Experts welcomes the positive steps taken but in the light of the continuing shortage of suitably qualified teachers in Gaelic-medium education, still considers this undertaking partly fulfilled.

Monitoring

"i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public"

333. On the basis of the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)¹, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Scottish Gaelic, to **"establish a system for monitoring the measures taken and progress achieved in regional or minority language education and administration"** (RecChL(2004)¹).

334. As mentioned in the last evaluation report (paras. 232 - 234), Her Majesty's Inspectorate of Schools (HMI) is required to monitor the development of Gaelic-medium education. A second report on Gaelic education entitled "Improving Achievement in Gaelic" was made public in June 2005, the last major report being in 1994. The report examines the development of the provision for Gaelic education in Scottish schools in terms of quality education mainly from pre-school to secondary school, identifies areas of progress as well as shortcomings, and investigates the situation of teaching materials and teacher training and the impact of local and national strategies.

335. The authorities report that, under the new Gaelic Language Act, the statutory Gaelic Language Board will have, among other things, the specific task of supervising Gaelic education and reporting each year to the ministers.

336. Based on the information received the Committee of Experts considers the undertaking fulfilled.

"Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education."

337. From the information obtained in the second state report, Gaelic-medium education is available upon sufficient demand in several regions in Scotland, including those where the language is not traditionally used. Under the Gaelic Language Act, the development of a national education strategy plan will deal with the development of Gaelic education throughout Scotland.

338. The Committee of Experts welcomes the information received but would also appreciate receiving information about those parts of the UK outside Scotland (if any) where the number of users of Gaelic may justify teaching in/ of Gaelic and what type of education is offered.

339. The Committee of Experts therefore considers this undertaking partly fulfilled and would welcome further information about the position outside Scotland.

Article 9 - Judicial authorities

"Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:"

In civil proceedings

"b.iii. to allow documents and evidence to be produced in the regional or minority languages"

340. In its last evaluation report (paras. 236 - 239), the Committee of Experts lacked information on the situation outside the three court districts of the Western Isles and the Isle of Skye and on other pertaining issues. It therefore considered the undertaking partly fulfilled. No further information was given in the second state report apart from the fact that the Gaelic Language Board can require judicial bodies to produce and implement a Gaelic language plan. The new act does not grant Gaelic-speakers any right to use their language in court.

341. The Committee of Experts considers this undertaking fulfilled for the three court districts and asks the authorities to provide more information in their next periodical report about measures taken to ensure that the right to use Scottish Gaelic in court has been made known to the public and also about the situation in courts outside these districts.

Article 10 - Administrative authorities and public services

342. For the sake of clarity, the Committee of Experts understands the undertaking under Paragraph 1 to concern central government administrative bodies present in Scotland.

343. The Committee of Experts understands the undertakings under Paragraph 2 to concern the Scottish Executive as the regional authority and the councils as the local authorities.

344. As stated above, the Gaelic Language Act empowers the Gaelic Language Board to request public authorities to develop language strategy plans. This will also affect the Scottish authorities, government arm-length bodies, local authorities and public bodies which is relevant to most of the undertakings of Article 10 with regard to Scottish Gaelic.

"Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

c. to allow the administrative authorities to draft documents in a regional or minority language."

345. In its last evaluation report (para. 240), the Committee of Experts was unable to conclude whether the undertaking was fulfilled with regard to bodies in Scotland answerable to the central UK authorities. Unfortunately the Committee of Experts has not received any information in this respect in the second state report and urges the authorities to produce such information in the next periodical report.

346. The Committee of Experts cannot conclude on whether the undertaking is fulfilled.

"Paragraph 2

347. Paragraph 2 of Article 10 deals with measures relating to local and regional authorities. In the case of Scotland, regional authorities relates to the Scottish Executive and local authorities to the local councils in Scotland.

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

a. the use of regional or minority languages within the framework of the regional or local authority;"

348. This undertaking provides for the use of Scottish Gaelic as a working language within the internal communication and administration of the regional or local authorities concerned.

349. From the information received by the Gaelic Language Board, the Scottish Executive does not use Scottish Gaelic within its own services.

350. From the information available, it seems that this might only be the case within some departments of Argyll & Bute Council. However, it is not clear to the Committee of Experts to which extent the Gaelic language is used in practice within this/ these council/s.

351. The Committee of Experts therefore cannot conclude on this undertaking at present and encourages the authorities to provide more information about the use of Scottish Gaelic in the Scottish Executive and the councils in the next periodical report.

"b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;"

352. In its last evaluation report (para. 245), the Committee of Experts considered the undertaking fulfilled with respect to the Scottish Parliament and the Scottish Executive, and was not able to conclude whether the undertaking was also fulfilled on the local level.

353. From the information obtained in the 2nd state report, the Scottish Executive is currently preparing a Gaelic language plan to investigate on the possibilities of offering a Gaelic language service within the Scottish Executive, since the oral and written correspondence has so far been more accepted on an ad-hoc basis. The Scottish Parliament also accepts oral and written submissions in Scottish Gaelic.

354. The second UK report states that three councils accept oral and written submissions in Scottish Gaelic, namely the Western Isles Council, the Highland Council and Argyll & Bute Council. The Committee of Experts welcomes the fact that the latter two councils also aim at responding in Scottish Gaelic.

355. The Committee of Experts was informed during its on-the-spot visit by representatives of the speakers that Scottish Gaelic-speakers were usually not aware of the possibility to submit applications in Gaelic and were not encouraged to do so.

356. The Committee of Experts considers this undertaking partly fulfilled and looks forward to receiving further evidence of the implementation of the Scottish Executive's plan in particular in the next monitoring round.

"d. the publication by local authorities of their official documents also in the relevant regional or minority languages;"

357. The report states that as part of the Gaelic policy of the Western Isles Council, all Council papers, major reports and policy documents will be bilingual. The Highland Council aims at ensuring that public documents are either bilingual or at least with a summary in Scottish Gaelic. An organisation representing speakers of Scottish Gaelic gave evidence that a request to Edinburgh Council to deliver a Council Tax leaflet in Scottish Gaelic, was refused since it is "seen as a language of choice as opposed to one of need". The Committee emphasises that this approach is contrary to this particular undertaking, and to the spirit of the Charter. The ability of speakers of a regional or minority language to speak an official language is not a sufficient reason for not using the regional or minority language. Regarding the other regional or local authorities in Scotland, the Committee of Experts has not received sufficient information to assess the situation. It therefore does not conclude on the fulfilment of this undertaking and urges the authorities to provide more information in the next periodical report.

"e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"

358. It is possible to use Scottish Gaelic language in the plenary of the Scottish Parliament, of which some politicians also avail themselves. However, members of the Parliament must give a 48 hour advance notice if they wish to speak in Scottish Gaelic.

359. The Committee of Experts nevertheless considers this undertaking fulfilled.

"f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"

360. In its last evaluation report (para. 253), the Committee of Experts regarded this undertaking as fulfilled with regard to the Western Isles Council and the Highland Council, but was lacking information with regard to other local authorities.

361. No further information was provided in the second state report in this respect. The Committee of Experts therefore considers the undertaking fulfilled with regard to the Western Isles Council and the Highland Council and urges the authorities to provide more information in the next periodical report.

"g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages."

362. The UK authorities report that the Western Isles Council and the Highland Council have stated a policy on the preferential usage of Gaelic on road and street signs and other signage. The Committee of Experts commends this.

363. In its last evaluation report (paras. 254 - 256), the Committee of Experts considered the undertaking partly fulfilled on the grounds that the power to erect bilingual signs on major roads is rarely used by the Scottish Executive in practice. According to representatives of Scottish Gaelic-speakers, so far bilingual road signs have only been erected on those roads that lead directly to the ferry port serving the Western Isles and the Isle of Islay and that the Highland Council's proposal to erect bilingual road signs within the Highlands has been rejected by the Scottish Executive. The Committee of Experts asks the authorities to clarify this issue in the next periodical report.

364. The Committee of Experts considers this undertaking once more partly fulfilled.

Article 11 - Media

"Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;"

365. The Committee of Experts concluded in its first evaluation report (para. 265) that the undertaking was partly fulfilled with regard to radio and not fulfilled with regard to television.

366. On the basis of the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)¹, the Committee of Ministers adopted the recommendation to **“facilitate the establishment of a television channel or an equivalent television service in Scottish Gaelic and overcome the shortcomings in Scottish Gaelic radio broadcasting” (RecChL(2004)1).**

367. The amount of Gaelic television programmes both in BBC and commercial television is approximately the same as at the time of the first monitoring round.

368. The Committee of Experts has been informed that a Gaelic digital television channel will be set up and in operation from 2007. This channel will be a collaborative venture between the BBC and the Gaelic Media Service (see also paras. 380 – 383 below).

369. The media regulator OfCom informed the Committee of Experts that it allowed the commercial channels Grampian and STV to reduce 26 hours of broadcasting per annum in 2004 to 6 hours of peak time programming in 2006 until one year after setting up the digital channel, and in return give a one-off payment of £1.2 million over a period of three years, which will be contributed to the digital channel. OfCom informed the Committee of Experts that the obligation of the Communications Act (see para. 64 above) will remain on the commercial Channel 3 broadcasters if the digital channel is not set up.

370. The Committee of Experts was informed during the on-the-spot visit by the BBC and the Gaelic Media Service (GMS) that the funding situation for the channel was still uncertain. Costs will be split between the Scottish Executive and the Department of Culture, Media and Sport in London and most likely the BBC. The plan is to begin with at least 1 ½ hours of new programming and otherwise re-programming, which would amount to an estimated cost of £16.8 million.

371. The Committee of Experts commends the plan of setting up a special digital television channel for Scottish Gaelic. However, in order for a such a channel to be successful, it is vital to ensure a sustainable and

adequate funding package. It is for example important to ensure a satisfactory coverage to those areas where the speakers of Gaelic live, and to secure sufficient broadcasting time.

372. In its last evaluation report (para. 264), the Committee of Experts encouraged the authorities to take appropriate action to ensure that all parts of Scotland could receive the BBC national Gaelic radio station, Radio nan Gaidheal. From the information obtained during the on-the-spot visit by representatives of the BBC, BBC Radio nan Gaidheal can also be accessed through live-streaming over the internet, through DAB, digital satellite and freeview. Apart from that, representatives of Scottish Gaelic claim that little progress has been made in terms of geographical fm radio coverage area and the amount of broadcasting hours, as there are still time gaps in daily radio broadcasting.

373. The Committee of Experts was informed during the on-the-spot visit that the Scottish government funds radio broadcasting with £8 million.

374. Given the concrete measures that are taken by the authorities to facilitate the creation of a dedicated Gaelic television channel, the Committee of Experts will not conclude as to the fulfilment of this undertaking with respect to television broadcasting at present pending receiving more information on the establishment of the channel in the next report.

375. Regarding radio broadcasting, the Committee of Experts considers the undertaking fulfilled.

"b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;"

376. According to the authorities, the Gaelic Media Service continues to provide funding for the production of Gaelic radio programmes.

377. In its last report (para. 268), the Committee of Experts asked for more information on the regularity and time of broadcasting for private radio broadcasts in Scottish Gaelic. The Committee of Experts has not received any information and therefore cannot conclude on this undertaking.

378. The Committee of Experts urges the authorities to provide such information in the next periodical report.

"c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;"

379. Under the Communications Act 2003, the Gaelic Broadcasting Committee was replaced by the Gaelic Media Service. The action scope of this new body has been widened to the production, scheduling and commissioning of programmes as well as the authority to seek a license. The Act states that "The functions of the Service shall be to secure that a wide and diverse range of high quality programmes in Gaelic are broadcast or otherwise transmitted so as to be available to persons in Scotland."

380. The authorities report that the Gaelic Media Service is charged with delivering television programmes in Gaelic and for this purpose receives funding from the Scottish Executive. These programmes are carried by the BBC, STV and Grampian.

381. The Scottish Media Group (a Scottish media company) produces 52 hours per annum of its own Gaelic programming on STV and Grampian TV. The Scottish Media Group is also required by legislation to carry GMS produced programmes of which some should be transmitted at peak times.

382. The authorities report that Scottish Gaelic television programmes are currently transmitted on four television stations, namely STV, Grampian, the BBC and Tele-G. Tele-G broadcasts 30 minutes of daily programming in Scottish Gaelic on multiplex A.

383. The Committee of Experts considers that the undertaking is currently fulfilled.

"d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;"

384. As mentioned in para. 380 above, the Scottish Executive provides £8.5 million of annual funding to the Gaelic Media Service which funds and produces audio and audiovisual works.

The Committee of Experts was informed by the BBC Alba that it is involved in a project called Tobar an Dualchais/ Kist o' Riches with the University of Edinburgh, the National Trust for Scotland and the Gaelic College on the Isle of Skye (Sabhal Mór Ostaig), to catalogue, digitise and create online access of about 12000 hours of mainly Gaelic language audio recordings.

385. The Committee of Experts has not been informed whether this funding is only allocated to radio and television productions, and therefore not available for other audio and audiovisual works in Scottish Gaelic. The Committee of Experts therefore asks the authorities to provide more information in this regard and does not conclude on this undertaking.

"e ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;"

386. In its last evaluation report (para. 277), the Committee of Experts was unable to conclude on this undertaking on the grounds that, despite evidence of the existence of published articles in local and national newspapers, the Committee of Experts was not informed as to what extent the authorities encourage and/ or facilitate this on a regular basis. No enlightening information with regard to this was given in the second state report.

387. The UK authorities report that the only Gaelic-only publication An Gàidheal Ùr receives funding through Comunn na Gàidhlig. This does not however, meet the definition of a newspaper, as it is published monthly or less frequently, due to lack of funding.

388. The Committee of Experts considers that this undertaking is not fulfilled.

"f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;"

389. In the last evaluation report (para. 279) the Committee of Experts explained that the current undertaking does not relate to television programmes but audiovisual productions that go beyond that.

390. The Committee of Experts is aware of public sources of funding for audiovisual productions, for example the Scottish Arts Council and Scottish Screen, both of which will become the future development agency "Creative Scotland" (see para. 396 below) but has no information as to whether nor how these sources of funding are available for Gaelic language productions. The Committee of Experts therefore asks the authorities to provide more information in this regard and does not conclude on this undertaking.

"g to support the training of journalists and other staff for media using regional or minority languages"

391. The Committee of Experts considered this undertaking partly fulfilled in its first evaluation report because, although media courses are offered at the Gaelic College on the Isle of Skye (Sabhal Mór Ostaig - SMO), they do not relate to the training of journalists (paras. 280 – 281). No new information was provided by the authorities in this respect.

392. BBC Craodhalan nan Gaidheal informed the Committee of Experts during its on-the-spot visit that the BBC is a member of the training trust, which oversees a two-year multimedia diploma course based at SMO. Each year since 1996 it offers placement training for 4 students with the BBC, including journalists. Since 2005 there is also video training.

393. The Committee of Experts considers this undertaking fulfilled.

Article 12 - Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

"d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

394. In 2003, the Scottish Arts Council launched a Gaelic Arts Policy which contains a policy statement with specific recommendations for future policy with regard to Gaelic language arts. The UK authorities report that the Scottish Arts Council and the Gaelic Language Board jointly contribute to a Gaelic Arts Strategic Development Fund, which will be co-ordinated by Pròiseact nan Ealan and implemented through a special group.

395. One of the Scottish Arts Council's national core-funded organisation is the Comhairle nan Leabhraichrean, the Gaelic Books Council.

396. The Committee of Experts was informed by representatives of Scottish Gaelic-speakers that the Minister of Culture plans to amalgamate the Scottish Arts Council with the Scottish Screen to a new body called "Creative Scotland". The Committee of Experts hopes that the new body will be as or more strongly supportive to the Scottish Gaelic arts.

397. The Committee of Experts considers this undertaking fulfilled.

"e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;"

398. In its first evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

399. The Committee of Experts has been informed that bodies that are specifically devoted to Gaelic language cultural activities have Gaelic-speaking members of staff. However, the undertaking also concerns cultural bodies in general (see also first evaluation report, para. 289).

400. The Committee of Experts has been informed that the Scottish Arts Council has a Gaelic-speaker on its board. However, the Committee of Experts has not received any information regarding any competence to use Scottish Gaelic amongst the staff, nor what measures exist in accordance with this undertaking. The Committee of Experts encourages the authorities to provide more information with regard to the Scottish Arts Council and other bodies which would fall within the scope of this undertaking.

401. The Committee of Experts considers the undertaking partly fulfilled.

"h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language."

402. In its last evaluation report (para. 295), the Committee of Experts was unable to draw a conclusion on this undertaking.

403. The UK authorities report that *Fosglan*, the Cultural Service Agency at Lews Castle College, provides more than a Gaelic translation service, it also has a terminology unit. Fosglan and the Gaelic Language Board are aiming at compiling a list of capable translators which organisations can consult. Terminology work is also carried out at the Celtic departments of the universities. It was reported to the Committee of Experts during its on-the-spot visit by representatives of Scottish Gaelic-speakers that there was a lack of funding for translation. It was also reported to the Committee of Experts that there are no courses for Gaelic translators, nor any qualification or certification mechanisms for Gaelic translators.

404. The Committee of Experts considers this undertaking partly fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

405. In its last evaluation report (para. 296), the Committee of Experts considered the undertaking partly fulfilled. The Committee of Experts has not received any information from the authorities as to how the authorities encourage and or provide cultural activities and facilities outside Scotland.

406. The Committee of Experts is not in a position to conclude on this and encourages the authorities to provide more information in the next periodical report.

Article 13 - Economic and social life

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

"c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;"

407. In its last evaluation report (para. 299), the Committee of Experts had not received sufficient information in order to conclude on this undertaking. The second report did not give any further information in this respect.

408. Therefore the Committee of Experts is again not in the position to conclude on this undertaking and urges the authorities to provide more information in the next periodical report.

2.2.3. Irish language

Article 8 – Education

409. The Irish Language Agency, Foras na Gaeilge (FnaG), provides funding for voluntary Irish-medium organisations and teaching materials. It provides for example grant-in-aid to teaching materials for Irish-medium primary schools and to the Irish-Medium Resource Unit (Áisaonad) for Irish-medium teaching resources for post primary education.

410. FnaG also provides grant-in aid to a voluntary organisation for special needs Irish-medium education (Gael Eagrais Um Shainriachtanais Oideachais) to develop special education resources for Irish-medium education.

411. In its first evaluation report (para. 305), the Committee of Experts highlighted the serious lack of adequate and suitable teaching materials. The Committee of Experts was informed by representatives of Irish-medium education organisations that Altram (an organisation that promotes Irish-medium pre-school education) is to launch new teaching materials in partnership with the Council for Irish-medium Education (Comhairle na Gaelscolaíochta) and the Trust Fund for Irish-Medium Education (Iontaobhas na Gaelscolaíochta).

412. Some of the teaching materials are imported from across the border, but there are problems with the adaptability of these because of the different syllabi and the lack of funding to adapt them to the Northern Irish one. Also, those textbooks are designed for children who come from an Irish-speaking home, whereas this is not the case for most children in Northern Ireland.

413. The Committee of Experts was informed that a committee has been set up to address issues relating to translating and publishing teaching materials.

414. The non-governmental umbrella organisation for the Irish language, Pobal, reported in its submission paper that funding for an umbrella body for Irish-medium education in Northern Ireland (Gaeloiliúnt) by FnaG has ceased in 2004 and also according to Pobal, the Department of Education announced that funding for the Trust Fund for Irish-Medium Education will also cease which it seems, will affect the establishment of new Irish-medium provision.

415. The Committee of Experts was informed during its on-the-spot visit that under the Review of Public Administration, the plethora of bodies charged with educational matters are to be reduced to two. Concerns were expressed that, in this context, the advisory role of the statutory body Council for Irish-medium Education would be curtailed.

416. Concerns were expressed that the Curriculum Advisory and Support Service of the Education and Library Boards cannot give sufficient curriculum support, as only one person is employed for all stages and subjects of Irish-medium education. The Committee of Experts was furthermore informed that the criteria for allowing pupils access to the school transport system create problems for the Irish-medium schools.

417. The UK reports that an Irish-medium unit has been set up in the Council for the Curriculum, Examinations and Assessment (CCEA) to provide curriculum support for primary and secondary level. St Mary's University College Belfast has also set up an Irish-medium curriculum unit.

"Paragraph 1

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:"

Pre-school education

- "a**
- i to make available pre-school education in the relevant regional or minority languages; or*
 - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*

iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;"

418. In 2004/ 05, 522 pre-school places were funded, which is an increase since the last monitoring round. Only two of the 44 nurseries are statutory, catering for 104 children. Furthermore, the UK authorities report that Foras na Gaeilge has provided core development funding for voluntary Irish-medium pre-school organisations (Altram and Forbairt Naonrai Teo) until providers meet the criteria to access mainstream funding.

419. The voluntary pre-schools are funded by EU Peace Funding and by the government through the Education and Library Boards via the Pre-School Education Allocation Group (PEAG).

420. The Committee of Experts was informed during its on-the-spot visit that, despite the demand for Irish-medium pre-school education, the PEAG denied any financial assistance for the establishment of 5 Irish-medium pre-schools, because of an overprovision of English-medium pre-school places. The Committee of Experts is concerned at this development. The existence of an overprovision in the English-medium sector does not justify a failure to meet the demand for Irish pre-school education. The Committee of Experts encourages the authorities to strengthen their efforts to meet the demand for Irish pre-school education.

421. The Committee of Experts was also informed during the on-the-spot visit that some Irish-medium pre-schools face closure because they are chronically under-funded and that they are only sustainable if the groups are large. The minimum annual intake for statutory pre-school and primary provision is the same whether it be for Irish-medium or English-medium provision, i.e. 24 children for pre-school provision and 12 – 15 children for primary schools.

422. The Committee of Experts encourages the authorities to consider a more flexible application of the enrolment criteria for the annual intake for statutory pre-schools.

423. The Committee of Experts nevertheless considers this undertaking fulfilled.

Primary education

"b i to make available primary education in the relevant regional or minority languages; or

ii to make available a substantial part of primary education in the relevant regional or minority languages; or

iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;"

424. Irish can be offered as a subject at primary schools, if there is a demand.

425. The UK authorities report that grant-aided status has been approved for 19 state-funded Irish-medium primary schools, attended by 2199 pupils in 2004/ 05. The Committee of Experts is pleased to note that this is an increase since the last monitoring round. Currently there are altogether 32 Irish-medium primary schools attended by 2, 328 pupils. However, 5 of these have been denied recognition from the Department of Education.

426. The UK authorities state in their report that Foras na Gaeilge provides interim grant-in-aid to Irish-medium primary schools that have not yet been recognised.

427. The BBC developed a digital curriculum programme ('BBC jam') that can be accessed through broadband on the internet for pupils throughout the UK. The service supports key areas of the school curriculum. From 2006 – 2008, four subjects will be launched at primary school level in the Irish language plus Irish as a second language.

428. Concerns were expressed that there are several shortcomings in Irish-medium primary education, for example the lack of support structure for newly qualified teachers, special educational needs, and curriculum support from the Education and Library Boards. The Committee of Experts is also concerned about the above-mentioned cut in funding support structures (see paras. 410 – 418 above). It nevertheless considers the undertaking fulfilled at present.

Secondary education

- "c i** to make available secondary education in the relevant regional or minority languages; or
- ii** to make available a substantial part of secondary education in the relevant regional or minority languages; or
- iii** to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- iv** to apply one of the measures provident for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;"

429. In 2004/05, a total of 521 pupils attended Irish-medium secondary education. The Committee of Experts is pleased to have received news of a second Irish-medium unit at St Catherine's College, Armagh, set up in 2002, that also receives grant-aid.

430. However, the eligibility criteria for setting up an Irish-medium secondary school are currently too high to be met (50 pupils per year which are the same criteria as for integrated schools). Pupils from 8 Irish-medium primary schools in 2006 will have to continue in English-medium secondary schools because of a lack of post primary Irish-medium provision. The education bodies (e.g. the Council for Irish-medium Education) aim to set up another 5 units in English-medium secondary schools, but these units have been criticised as it is difficult to change them into free-standing schools.

431. Irish can be taught as a subject at secondary schools as fulfilling the requirement of studying a modern language. There has been a gradual increase of pupils opting for Irish classes. For example, in 2002/ 03, 2 689 pupils studied Irish at GCSE level compared to 2452 pupils in 2000/01.

432. The BBC digital curriculum (see para. 428 above) is currently not available for Irish-medium secondary school pupils, as the BBC argued that there is not a sufficient number of pupils to justify an Irish language curriculum. This is regrettable in the light of the growing number of pupils in Irish-medium education that will also soon enter secondary education. However, according to the information on the BBC's website, Irish will be available as a subject for 11 – 14 year olds in 2007 and for 14 – 16 year olds in 2008.

433. Although the Committee of Experts was informed during its on-the-spot visit that there has been a general progress with the provision of teaching materials, there were still certain deficiencies at secondary school level. For example, there is a lack of adequate teaching materials and a shortage of qualified teachers for certain subjects, which results in the fact that two of the three secondary schools offer only a part of the education in Irish. Also, travelling distances to the schools are too great due to large catchment areas and government funding does not cover transport costs. There is a fear that the rapidly growing demand of Irish-medium education cannot be met for post-primary education.

434. The Committee of Experts considers this undertaking fulfilled at present but encourages the authorities to take measures to ensure that growing demand is met in the future.

Technical and vocational education

- "d i** to make available technical and vocational education in the relevant regional or minority languages; or
- ii** to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- iii** to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;"

435. In its first evaluation report (para. 316), the Committee of Experts stated that there was insufficient information to conclude on this undertaking.

436. The authorities report that funding for the Job-skills pilot project on the Irish-medium vocational training programme, mentioned in the previous Committee of Experts' report (paras. 313 - 316), ended in June 2005. Since September 2005, the Belfast Institute for Further and Higher Education offers a similar Irish-medium job skills programme as a regular part of its mainstream provision. However, based on the information received, this does not seem to have been followed up at all, and there are concerns whether funding will continue in the academic year beginning in September 2006.

437. The deliverer of the Irish vocational programme, Forbairt Feirste, is concerned that the pilot project will remain at its pilot status. In general the Committee of Experts gained the impression that the communication between the Irish language organisations involved in vocational training (Forbairt Feirste and Council for Irish-medium Education) and the Department for Employment and Learning (DEL) could be improved and it encourages the DEL to resume constructive contacts with the two organisations involved and develop a model for the course.

438. As concluded in the last evaluation report, it is still early days for Irish-medium vocational training in Northern Ireland (para. 315). The Committee of Experts was informed of the possibility to learn Irish in vocational training at the Further Education colleges. For example, it is possible to take Irish as a beginners, GCSE and A-level subject at the Belfast Institute for Further And Higher Education. However, no information was given as to what use is made of this offer.

439. The Committee of Experts was informed by the Council for Irish-medium Education about the introduction of new post primary regulations in legislation in April 2008, which will be of disadvantage to Irish-medium education, since it requires that all schools offer up to 8 vocational subjects, which will be a difficult target for the Irish-medium sector to meet at this stage.

440. There were also complaints of a lack of resources in qualification examinations, teaching material and teacher training and a lack of plans in these directions from DEL. Also, there could be more cross-border collaboration where such resources are available.

441. The Committee of Experts encourages the authorities to co-operate more closely with the Council for Irish-medium Education, Forbairt Feirste and the pupils in order to develop a strategic plan to ensure Irish-medium technical and vocational education and to enable support resources.

442. The Committee of Experts considers this undertaking fulfilled for the teaching of Irish as a subject. It would welcome more information regarding the number of pupils taking advantage of the Irish-medium courses on offer.

Higher education

"e i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;"

443. Apart from the example given below of the Irish-medium teacher training course (see para 446 below), there is no higher education offered through the medium of Irish in Northern Ireland. The UK authorities however report that university fees are also covered for those students who wish to study through the medium of Irish across the border.

444. As mentioned in the last evaluation report (para. 317), Irish can be studied as a university subject at two universities in Northern Ireland.

445. The Committee of Experts considers the undertaking fulfilled.

Basic and further training of teachers

"h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;"

446. As mentioned above (para. 417), the Department for Employment and Learning funds Irish Medium Education in St Mary's University College Belfast with £100 000 per annum, which is the only provider of teacher training for Irish-medium teachers. However, this only seems to be offered for nursery and primary level.

447. The Committee of Experts was informed that there was a lack of Irish-speaking trained teachers for some subjects. The Council for Irish-medium Education reported that its request to the Department of Education to remedy the shortage of initial teacher training for certain secondary Irish-medium subjects was rejected. The Council for Irish-medium Education and teacher training colleges have addressed proposals to the Department of Education but there has been no response. This is a serious concern since the number of pupils in Irish-medium education is increasing at all levels of education.

448. The Committee of Experts is of the opinion that more effort is needed to train teachers to meet the increased demand for Irish language education. It considers this undertaking partly fulfilled.

"Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education."

449. In its first evaluation report (para. 331), the Committee of Experts was unable to conclude whether the undertaking was fulfilled due to the lack of information on practical implementation. The authorities have not provided any new information in their second state report, therefore the Committee of Experts again cannot conclude whether the undertaking is fulfilled. The Committee of Experts urges the authorities to provide information with regard to this undertaking in the next periodical report.

Article 10 - Administrative authorities and public services

450. As mentioned at the beginning of the present report (para. 26), a good practice guidance on obligations deriving from the Charter for civil servants was completed in 2005. It includes Codes of Courtesy for Irish which also affects Article 10 undertakings chosen for Irish. While the Committee of Experts welcomes this, it has been criticised by Irish language organisations that the guidance was not made known widely enough to the public bodies.

"Paragraph 1

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a. iv. to ensure that users of regional or minority languages may submit oral or written applications in these languages; or"

451. The Committee of Experts was informed that there are no Irish-speakers within the Department of Culture, Arts and Leisure (DCAL), which has primary responsibility for matters relating to the Irish language in Northern Ireland. In its last evaluation report (paras. 335 – 336), the Committee of Experts noted that the

telephone voice-mail facility for oral requests and submissions that had been set up for the Northern Ireland Departments and their associated bodies, had not been functioning satisfactorily. It concluded that the undertaking was partly fulfilled. The Committee of Experts was informed during its on-the-spot visit that this situation does not seem to have improved since then, also because some staff apparently were not aware of the facility, and that there was a considerable delay in waiting for a reply.

452. Due to the continuing discontent with the voice-mail facility, the Committee of Experts encourages the authorities to establish a system to handle oral and written applications that facilitates the acceptance of submissions in Irish.

453. The Committee of Experts considers this undertaking partly fulfilled.

"c. to allow the administrative authorities to draft documents in a regional or minority language."

454. From the information obtained in the UK state report, documents continue to be translated into Irish and some government departments and their associated bodies produce a range of information in Irish. While this is very welcome, the Committee of Experts was also informed by representatives of Irish-speakers that the availability of these are not made publicly known or even accessible on the government websites.

455. The Committee of Experts encourages the authorities to make the availability of the Irish version of documents more widely known and to report on how they have achieved this in their next periodical report.

456. The Committee of Experts nevertheless still considers this undertaking fulfilled.

"Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;"

457. In the first evaluation report the Committee of Experts was not in a position to conclude on the present undertaking.

458. Two District Councils have an Irish language policy, Newry and Mourne Council and Strabane Council. The former is the most pro-active council in relation to the promotion of the Irish language, and has had an Irish language policy since 1990. It has an Irish language unit and has employed Irish-speaking staff and pursues a bilingual service. The Council reported that a systematic monitoring and a review of the impact of the bilingual policy will be carried out annually. As mentioned in para 7.1.b), Newry and Mourne Council is concerned that the coming reduction of councils will have a negative effect on the language policy.

459. Pobal reports the results of a test showing that, out of the 26 councils, 19 accept correspondence in Irish, of which 10 also answer in Irish. However, the Committee of Experts has also been informed of the denial by some district councils of accepting submissions in Irish. In some cases, the public is not informed of the possibility to submit applications in Irish.

460. The authorities claimed that it was at each local authority's discretion to provide an Irish language service. The Committee of Experts gained the impression that there is a need for more direction from the authorities on this matter. The Committee of Experts asks the authorities to provide more detailed information about the possibility to submit applications in Irish and about steps taken by the authorities to encourage the local authorities to accept such applications.

461. The Committee of Experts therefore forms no conclusion in respect of this undertaking.

"f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"

462. The Committee of Experts understands that only one local authority, Newry and Mourne District Council, has a bilingual policy (see paras. 44 and 458 above), and provides a bilingual translation system. The

authorities report that other councils also allow the use of Irish and have Irish language policies. However, it is unclear to the Committee of Experts whether this also includes the use of Irish in their assemblies.

463. The Committee of Experts asks the authorities to provide more detailed information about the possibility to use Irish in local assemblies and about steps taken by the authorities to encourage such use.

464. The Committee of Experts therefore forms no conclusion in respect of this undertaking.

"g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages."

465. In its previous report, the Committee of Experts considered this undertaking fulfilled. According to the authorities, a common and coherent policy of signage and translation is currently considered. So far, each district council has its own policy on the adoption of the Irish form of addresses. Pobal reports of one or two incidences of councils refusing to ascertain public opinion upon request to erect street signs in Irish, although the 1995 Local Government Order obliges them to do so. The Committee of Experts encourages the authorities to comment on this in their next periodical report.

466. The Committee of Experts nevertheless considers this undertaking fulfilled.

"Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

c. to allow users of regional or minority languages to submit a request in these languages."

467. In its first evaluation report (para. 346), the Committee of Experts was unable to draw a conclusion on this undertaking due to the lack of information.

468. The UK authorities report that public services accept requests in Irish. For this purpose a telephone voice-mail facility is available, which, according to the speakers however, has not proven to be very successful (see para. 451 above).

469. The UK authorities also report that the Northern Ireland Museum's Council's Business Plan (MAGNI) 2005/06 will include guidelines on the use of minority languages including Irish.

470. The Committee of Experts considers this undertaking partly fulfilled.

"Paragraph 4

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a. translation or interpretation as may be required;"

471. The UK authorities report that an advisory committee of language experts has been set up to develop a house style for use in public sector translations. They also report that the Department for Culture, Arts and Leisure has established a call-off list of Irish language translators.

472. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."

473. Apart from the fact that there is no statutory prohibition on the use of the Irish version of the name, the UK authorities report that the Code of Courtesy for Irish for public servants states that the staff must respect anyone who wishes to be known under the Irish version of the name.

474. However, the Committee of Experts has been made aware by Pobal that Irish-speakers with Irish names encounter problems when registering with their names because some institutions do not have the capacity to record names with certain diacritic marks.

475. The Committee of Experts nevertheless considers this undertaking fulfilled but asks the authorities to provide information on the issue raised by Pobal.

Article 11 - Media

"Paragraph 1

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;"

476. Based on the observations made by the Committee of Experts in its first evaluation report on the application of the Charter in the UK (ECRML 2004)1), the Committee of Ministers adopted the recommendation addressed to the UK authorities to **"improve the public service television provision [and facilitate the broadcasting of private Irish radio]"** (RecChL(2004)1).

477. In the year 2002/03, the amount of Irish language television broadcasting decreased to 3.5 hours. In 2004/05 it increased again to 5.2 hours. In 2005/ 06, 10.2 – 15 hours of broadcasting are foreseen. The BBC expenditure on Irish television and radio broadcasting in Northern Ireland in 2003/ 04 was £424.000 for 8.24 hrs of Irish television and £238 000 for radio programming.

478. A language learning programme called "Colin and Cumberland" was jointly developed with BBC Scotland and Wales. It appeared on TV, radio and on the internet and was reportedly successful.

479. TG4 is an all Irish TV channel funded by the Irish government. A representative of the BBC reported to the Committee of Experts during its on-the-spot visit that TG4 is to become the main Irish language television channel for the whole island of Ireland. The Committee of Experts has been informed that the UK authorities fund the production of some programmes to be broadcast on TG4. The Committee of Experts has also been informed that the UK authorities fund the extension of reception of TG4 in Northern Ireland, although the Committee of Experts was informed during the on-the-spot visit that reception is still unavailable in some areas. The UK plans to switch to digital broadcasting in 2012, and viewers in Northern Ireland are concerned that they will then be unable to receive TG4 from across the border if Ireland does not move to digital broadcasting at the same time. If that be the case, the Department for Culture Media and Sport said during the on-the-spot visit that it will be converted into analogue for viewers in Northern Ireland. In any case, broadcasting will be ensured in Northern Ireland until switch-over.

480. The UK authorities report that BBC Radio Ulster transmits daily Irish programmes. This amounted to 256.04 hours in 2003/ 04. The radio programme is also accessible via the internet.

481. The Committee of Experts looks forward to receiving more detailed information on the funding system and funding agreement concerning TG4 in the next periodical report.

482. The Committee of Experts considers this undertaking fulfilled.

"b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;"

483. As quoted above in 11.a) the second part of the recommendation of the Committee of Ministers is to **“facilitate the broadcasting of private radio in Irish”**.

484. The Committee of Experts was pleased to be informed during its on-the-spot visit that the private and independent community radio station ‘Raidió Fáilte’ has finally received a five-year licence from the UK radio authority, OfCom, after having competed with 6 other community radio bids. This was announced in September 2005 and broadcasting began in May 2006. Raidió Fáilte told the Committee of Experts during its on-the-spot visit that other surrounding issues, such as funding, were still uncertain. Raidió Fáilte will only be accessible in the greater Belfast area.

485. The Committee of Experts considers this undertaking fulfilled.

“d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;”

486. The Irish Language Broadcast Fund (ILBF) has received a £12m fund in June 2005 covering a five-year period. The Fund has been set up to provide finance for the production of moving image productions in the Irish language in Northern Ireland. The productions are mainly broadcast on TG4, and some on RTE and BBC. The ILBF funds productions by up to 50%. The ILBF also funded the dubbing of animation films into Irish by 50%. The ILBF is a state fund which will be managed by the Irish Investment Committee chaired by a board member of the Northern Ireland Film and Television Commission (NIFTC).

487. The Committee of Experts would welcome more information on the production of audio and audiovisual works outside broadcasting. It nevertheless considers that this undertaking is fulfilled.

“e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;”

488. The Committee of Experts was informed that funding by Interreg, a European cross-border fund, for the Irish language newspaper Lá was blocked for a certain period of time in 2004 which resulted in the loss of jobs and a threatened closure.

489. The newspaper Lá is currently funded through Interreg, Foras na Gaeilge, public funding through the Andersonstown News Group and £20 000 government advertising. The Committee of Experts is aware of the recent final report on the Review of Government Advertising in Northern Ireland which does not seem to be favourable to placing advertising in Irish.

490. The Committee of Experts nevertheless considers this undertaking currently fulfilled.

“f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;”

491. According to information received, the Arts Council of Northern Ireland distributes National Lottery funds to the arts in Northern Ireland. The Committee of Experts has not been informed, however, to which extent the existing funding mechanisms are available also for audiovisual productions in Irish, and encourages the authorities to provide such information in the next periodical report. The Committee of Experts therefore does not conclude on this undertaking.

“g to support the training of journalists and other staff for media using regional or minority languages.”

492. In its last evaluation report (para. 366), the Committee of Experts considered the undertaking only partly fulfilled due to a lack of continuity and general shortage of the journalism courses.

493. The Irish Language Broadcast Fund has devised a trainee scheme attached to the film production in independent television production companies. The NIFTC informed the Committee of Experts during its on-the-spot visit that £250 000 has been set aside for training courses. The ILBF runs two-year fulltime training courses each year. Altogether, 12 trainees are taking part in two different training schemes. 8 of them follow a production company affiliated scheme. The trainees spend a year on placements with companies in the independent production sector. The other 4 trainees follow a local television station affiliated scheme (i.e. Channel 9 in Derry and Northern Visions in Belfast).

494. The Committee of Experts has been informed that courses for Irish language journalism exist at Jordanstown College as well as across the border where most Irish language journalists receive their training. However, it is not clear to the Committee of Experts whether this course at Jordanstown College still exists and whether Irish language journalists receive any kind of support if they take their courses across the border. A subsidy for weekly in-house training exists, but it is not clear to the Committee of Experts how this meets the training needs of the Irish language journalists. The Committee of Experts asks the authorities to clarify these issues in their next periodical report.

495. It was submitted to the Committee of Experts that there is a need to develop career opportunities for young people in the Irish language media and that training forms an important part of this.

496. The Committee of Experts considers this undertaking fulfilled.

Article 12 - Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;"

497. In Northern Ireland, a wide range of different types of initiatives are supported and funded by various bodies, including collections of selected Irish language materials by the libraries, an Irish arts roadshow and literary readings by the Arts Council, the provision of an Irish language sound archive by the National Museum and Galleries of Northern Ireland (MAGNI).

498. The Arts Council continues to encourage writing in Irish, by funding a weekly literary supplement in the newspaper Lá and funding the Irish language magazine An tUlltach. The Arts Council also continues to support artists working through the medium of Irish, including some innovative activities. It has a number of links to a range of Irish language organisations including a partnership with Foras na Gaeilge.

499. Pobal reported that the Arts Council has carried out a consultation process together with Pobal to assess the needs with regard to Irish language arts, but there has been no follow up.

500. The Committee of Experts has also been informed by Pobal that the Northern Ireland Museum Council is carrying out a consultation process on guidelines on the use of minority languages including Irish. The Committee of Experts looks forward to the outcome of this in the next state report.

501. The Committee of Experts pointed out in its last evaluation report that despite the welcome and numerous cultural initiatives, there was a need for a concrete policy planning in this area (paras. 368 - 369). The UK authorities report that the Arts Council completed a needs analysis related to Irish involved in arts in June 2004. This was followed up by a consultation with Irish language cultural bodies. The Arts Council is now preparing policy responses for decision in autumn 2005. However, Pobal also stated that it is not aware of any mechanisms of disseminating information of the guidance or the Charter obligation to cultural organisations to ensure the catering of Irish-speakers.

502. The Committee of Experts commends the authorities for the wide range of cultural activities related to the Irish language, but underlines that a concrete and strategic policy planning is needed. It nevertheless considers the undertaking fulfilled.

"d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

503. In its last evaluation report (para. 370 – 372), the Committee of Experts considered this undertaking only partly fulfilled on the basis that there did not seem to be any concrete policy or strategy for dealing with Irish.

504. Foras na Gaeilge, with the participation of Irish-speakers, organises funds and supports Irish culture in a variety of ways. It is also dealing with the provision of services for Irish-speakers with an ongoing relationship with National Museum and Galleries of Northern Ireland (MAGNI).

505. Pobal reports that several cultural centres have undertaken positive measures to cater for Irish-speaking school children. Also, some local authorities such as Newry and Mourne, Derry City and Belfast City Council have successfully incorporated the Irish language in their festivity planning.

506. The Committee of Experts considers this undertaking fulfilled.

"e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;"

507. In its last evaluation report (para. 373), the Committee of Experts concluded that the undertaking was partly fulfilled.

508. The UK authorities report that there is one officer within the Arts Council who is responsible for the language arts including Irish, but representatives of Irish-speakers informed the Committee of Experts that this person was not an Irish-speaker. The Committee of Experts has not been informed of any measures taken by the authorities to ensure that the Arts Council has at its disposal staff with a full command of Irish.

509. The UK authorities report that some cultural bodies have fluent Irish-speakers amongst their staff, such as the Belfast Central Library, Colin Glen Library, the Ulster Folk and Transport Museum and the Public Record Office Northern Ireland. Although the Committee of Experts is pleased about this, it appears to be accidental rather than deliberate.

510. The Committee of Experts therefore considers that the undertaking remains partly fulfilled.

"f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;"

511. In its last evaluation report (para. 374), the Committee of Experts considered this undertaking partly fulfilled, due to a lack of any policy or encouragement on the part of the authorities with regard to direct participation by representatives.

512. The UK authorities report that the Arts Council funds artistic programmes carried out by Irish language organisations. Pobal reports that the Arts Council has continued to fund a number of bodies delivering activities through the medium of Irish. For example, Pobal has received a three-year funding to develop its Irish language arts show.

513. As mentioned above, the Arts Council is considering a policy with regard to the Irish language in the arts.

514. The Committee of Experts considers the undertaking fulfilled.

"h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language."

515. Foras na Gaeilge undertakes a number of activities to promote terminological research and has provided funding for a scholarship scheme on a Diploma and MA in Irish Translation in its Institute of Irish Studies at Queen's University Belfast. The work of the terminology committee is ongoing. Also, the Department for Culture Arts and Leisure supports the Translation Advisory Committee that provides technical linguistic support for official translators in Northern Ireland. Finally, a range of dictionaries is available from An Gum, an Irish language publisher, but there is no information on whether the production of dictionaries is ongoing or whether these dictionaries are relevant in developing terminology within the meaning of this undertaking. The

Committee of Experts asks the authorities to provide more information in this regard in the next periodical report.

516. The Committee of Experts considers the undertaking fulfilled.

"Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect."

517. The DCAL has a Cultural Affairs Desk in the Northern Ireland Bureau in Washington D.C. to promote Northern Irish arts and culture in the US, but there is no specific reference to the Irish language made in the second periodical report.

518. The Committee of Experts lacks sufficient information to conclude on this undertaking and asks the authorities to provide more information in their next periodical report.

Article 13 - Economic and social life

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs."

519. The Committee of Experts was informed that Foras na Gaeilge, Forbairt Feirste and Gaelaras all campaign for the use of Irish in the private sector. According to the UK authorities, Foras na Gaeilge has established an advisory panel with regard to the use of Irish in the private/ non-governmental sector.

520. Also, the Northern Ireland administration co-operates in partnership with private, voluntary and community sectors on the possibility of developing a Gaeltacht Quarter in West Belfast with the idea of economically regenerating the area by clustering Irish language projects. However, the Committee of Experts was informed by Pobal that since the process has been slowed down there is insecurity about the whole development of the quarter project. The Committee of Experts encourages the authorities to continue their involvement in this interesting project and looks forward to more detailed information on its progress in the next periodical report.

521. The Committee of Experts considers the undertaking fulfilled.

Article 14 - Transfrontier exchanges

"The Parties undertake:

"b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."

522. The Committee of Experts considered this undertaking fulfilled in its last evaluation report, although it noted that the co-operation and exchanges could be more structured, for example through a special agreement (para. 380).

523. Pobal reports that there are numerous school exchanges to the Gaeltacht areas across the border that foster contacts and facilitates the use of the Irish language.

524. The Committee of Experts considers this undertaking fulfilled.

Chapter 3. Conclusions

3.1. Conclusions of the Committee of Experts on how the UK authorities reacted to the recommendations of the Committee of Ministers

Recommendation no. 1:

“make primary and secondary education in Scottish Gaelic generally available in the areas where the language is used;”

In response to this recommendation, the authorities refer to the fact that the delivery of Gaelic-medium education is left to the discretion of each individual local authority. The existing regulation and legal provision concerning Gaelic education and the recently issued Draft Guidance on the latter by the Scottish Executive all encourage education authorities to offer Gaelic-medium education, but do not seem to have had a strong enough impact to date.

Gaelic-medium education still remains patchy in those areas where Scottish Gaelic is spoken. The secondary school level is particularly worrying: there is clearly no systematic provision. Despite a higher demand, only about 15% of the primary pupils continue to Gaelic-medium secondary level, and provision often only exists for the first two years of secondary education and in some subjects only.

The authorities also refer to a National Education Strategy and local Gaelic language plans, both required under the Gaelic Language Act, which might, together with further investment, lead to an improvement of the availability of Gaelic-medium education.

Recommendation no. 2:

“with regard to Scottish Gaelic and Welsh, establish a system for monitoring the measures taken and progress achieved in regional or minority language education, including the production and publication of reports of the findings;”

With regard to Scottish Gaelic, Her Majesty's Inspectorate of Schools (HMI) produced and published a report on Gaelic education in 2005. Furthermore, the authorities report that, under the new Gaelic Language Act, the statutory Gaelic Language Board will have, among other things, the specific task of supervising Gaelic education and reporting each year to the ministers.

With regard to Welsh, the Committee of Experts raised this issue with the authorities during its on-the-spot visit. The Welsh authorities explained that they did not wish to establish a specific monitoring body for Welsh-medium education, since the intention is to mainstream Welsh language education and therefore it will fall under the normal school inspection mechanism.

The UK authorities report that Estyn, Her Majesty's Inspectorate for Education and Training Wales, reports on the quality and standards of Welsh-medium education. Although there are currently several bodies monitoring certain aspects of Welsh-medium education, there is no specific mechanism for monitoring the measures taken and progress achieved in the provision of Welsh-medium and bilingual education and for producing periodical public reports. Representatives of the Welsh-speakers have observed that there are several issues to be tackled in relation to Welsh-medium education (such as that the demand often outstrips supply) which need a strategic overview: this could be provided by the type of body required by the relevant undertaking.

Recommendation no. 3:

“provide information and guidance to those responsible for implementing the undertakings chosen for Scottish Gaelic, in particular in the fields of education and administration;”

The authorities report that the newly created statutory Gaelic Language Board is required, under the Gaelic Language Act, to provide guidance to public bodies on matters relating to Scottish Gaelic and that the National Gaelic Language Plan will act as a guide.

Recommendation no. 4:

“facilitate the establishment of a television channel or an equivalent television service in Scottish Gaelic and overcome the shortcomings in Scottish Gaelic radio broadcasting;”

With regard to the first part of this recommendation, the Committee of Experts has been informed that a Gaelic digital television channel is to be set up and in operation from 2007. This channel will be a collaborative venture between the BBC and the Gaelic Media Service. Costs will be split between the Scottish Executive and the Department of Culture, Media and Sport in London and most likely the BBC. The plan is to begin with at least 1 ½ hours of new programming and otherwise re-programming, which would amount to an estimated cost of £16.8 million.

In parallel, however, the media regulator OfCom allowed the commercial channels Grampian and STV to reduce 26 hours of broadcasting per annum in 2004 to 6 hours of peak time programming in 2006 until one year after setting up the digital channel, and in return give a one-off payment of £1.2 million over a period of three years, which will be contributed to the digital channel. According to OfCom, the obligation of the Communications Act 2003 (UK) will remain on the commercial Channel 3 broadcasters if the digital channel is not set up.

With regard to the second part of this recommendation, the authorities report that the BBC has been improving access to Radio nan Gaidheal, through greater FM coverage, digital radio DAB, over the internet, digital satellite and freeview. Representatives of Scottish Gaelic-speakers nevertheless claim that little progress has been made in terms of geographical FM coverage area and the amount of broadcasting hours, as there are still time gaps in daily radio broadcasting.

Recommendation no. 5:

“improve the public service television provision and facilitate the broadcasting of private radio in Irish;”

For 2005/ 06, 10.2 – 15 hours of public broadcasting were foreseen on the BBC. The BBC expenditure on Irish television in Northern Ireland in 2003/ 04 was £424,000 for 8.24 hrs of Irish television. According to the information at the Committee of Experts’ disposal, the Irish television channel TG4 is to become the main Irish language television channel for the whole island of Ireland. Access to TG4 has been improved in Northern Ireland. An Irish Language Broadcast Fund of £12m over a five-year period was established in 2005. The fund will *inter alia* finance audiovisual productions to be broadcast on TG4.

With regard to the second part of the recommendation, the private and independent community radio station ‘Raidió Fáilte’ has received a five-year licence from the UK radio authority, OfCom, after having competed with 6 other community radio bids.

Recommendation no. 6:

“improve the use of Welsh in social care facilities, particularly hospitals and care of the elderly;”

The authorities report that an All Wales Task Group established by the Welsh Assembly Government deals with Welsh Language Services with regard to the health and care sector. The Task Group commissioned a study of Welsh language awareness in the healthcare provision in Wales. Although the Committee of Experts is aware of this and further activities that have been initiated in this respect, it seems that there has been a lack of pro-active and strategic planning, and little improvement in the actual implementation. According to the Welsh Language Board, investment in better language skills, and linguistic awareness training needs to be prioritised.

Recommendation no. 7:

“create conditions for the use of Scots and Ulster Scots in public life, through the adoption of a language policy and concrete measures, in co-operation with the speakers of the languages.”

With regard to Scots, the authorities report that this recommendation will be met within the National Languages Strategy mentioned in the Partnership Agreement which will be developed in consultation with the relevant language organisations. Within this frame, local authorities and national bodies will draw up language plans. However, there is still no national policy in place for the Scots language, although some local authorities have adopted a Scots language policy of their own.

As regards Ulster Scots, an Ulster Scots Academy is being set up and will receive funding from the Department of Culture, Arts and Leisure (DCAL). The aim of the Academy is the codification and standardisation of Ulster Scots. The DCAL issued Guidance to public bodies on the Charter and suggested a Code of Courtesy for public bodies when dealing with Ulster Scots-speakers. It seems that the latter was not made known sufficiently to the public. Although welcomed by the speakers, the Code of Courtesy and Guidance merely touch upon one area of public life, whereas the situation of Ulster Scots needs to be enhanced in several areas.

3.2. Findings of the Committee of Experts in the second monitoring round

A. The Committee of Experts appreciates the excellent co-operation with the UK authorities, especially with regard to the preparation and organisation of the on-the-spot visit.

The Committee of Experts observes however, a continuing insufficient co-ordination between the central government and the devolved administrations and regions concerned, which, it seems, could be improved. With regard to the 2nd state report it also noted that information requested especially on those undertakings which lie within the competence of the central authorities, was lacking, which renders an evaluation of the said undertakings difficult.

B. The Committee of Experts is pleased to note that significant measures in the form of new legislation, funding, policies, guidelines and planned activities have been undertaken since the last monitoring round. This is especially the case for Part III languages and indicates the UK's serious commitment to the protection and promotion of regional or minority languages. This is also reflected by the fact that the UK authorities have acted upon several recommendations made by the Committee of Ministers. The Committee of Experts especially welcomes the fact that consultation with speakers took place for most of these new initiatives in all parts of the UK, showing an ongoing dialogue and in many instances close co-operation with regional or minority language speakers.

C. The Committee of Experts recognises that it takes some time for such positive developments to take practical effect. Nevertheless, it noted during its on-the-spot visit that little change was apparent since the last monitoring round in terms of the practical outcome of new measures and legislation. It detected in many cases similar deficiencies to those observed in the first monitoring round, which will be detailed below.

D. Wales continues to show a strong commitment to the promotion of Welsh, also through new initiatives, financial support and studies carried out by the Welsh Language Board. The Committee of Experts hopes that any possible future incorporation of the Welsh Language Board into the Welsh Assembly Government will not have a negative impact on the promotion of the Welsh language but rather enable a strengthening of Welsh-language policy development and implementation within government.

E. Through the recent establishment of the statutory Gaelic Language Board and the passing of the Gaelic Language Act a significant cornerstone has been laid for the future development of Scottish Gaelic for which the Scottish authorities must be commended. With the national language plan, a first overarching language policy has been created for Scottish Gaelic.

F. The Northern Ireland administration is conscious of its obligations with regard to the Irish language through affirmative action. While commending the authorities for facilitating an increase in the number of Irish-speakers, by creating favourable conditions, the Committee of Experts gains the impression that the authorities do not sufficiently consider the consequences of this growth, for example in the field of Irish-medium education. Irish is still lacking a comprehensive language policy.

G. With regard to education in the Part III languages:

The provision of Welsh-medium education remains overall very good. The methods and plans introduced to measure demand and define Welsh-medium education show the commitment of the authorities to enhance and mainstream Welsh-medium provision. Nevertheless, shortcomings still exist, especially at secondary level and in technical and vocational education. There is still no monitoring mechanism in place as envisaged by the UK's instrument of ratification of the Charter and as recommended by the Committee of Ministers.

Significant progress in Scottish Gaelic-medium education has been achieved by the creation of high quality teaching materials, the establishment of the first freestanding Gaelic-medium secondary school and through financial investments in Gaelic-medium education. However, the provision of Gaelic-medium education still remains patchy in areas where the number of users would justify such provision. There is a need for a comprehensive Gaelic language education policy which the Committee of Experts hopes will be developed by the Gaelic Language Board.

The development of Irish-medium education is promising, but concerns remain with regard to shortcomings in meeting the growing demand, especially with regard to teaching materials, teacher training and mentoring. The lack of continuity from primary to secondary education is of considerable concern for all Part III languages.

H. With regard to the use of Part III languages in the field of administration:

With regard to Welsh, the number of public bodies that have adopted a Welsh Language Scheme to provide services in Welsh has increased. However the degree in which the schemes are delivered in practice varies substantially. It is hoped that the planned increase in monitoring the schemes will lead to an improvement.

With regard to Scottish Gaelic, the Gaelic Language Act empowers the Gaelic Language Board to develop a national language plan as well as request public authorities to develop language strategy plans. This could structure the implementation of the chosen undertakings within public administration at local and regional level.

With regard to Irish, a good practice guidance for civil servants on obligations deriving from the Charter was issued. Although certain administrative authorities accept submissions in Irish, the service is in need of improvement.

I. In the field of culture, all regional or minority languages are being supported to a high degree. With regard to the media, the shortcomings in Scottish Gaelic and Irish broadcasting that the Committee of Experts observed in its last report are in the process of being overcome with the future Scottish Gaelic digital television channel and the granted license for the Irish private radio station. However, more government support needs to be directed towards the printed media for both Scottish Gaelic and Irish.

J. Wales gives continuing support to encourage the use of Welsh in the economic sector. With regard to the health and social care facilities, initiatives have been taken but so far have had little effect on practical implementation.

K. With regard to Scots, the Committee of Experts gained the impression that the development of a national language policy has come to a standstill. Despite high level policy statements and some initiatives at local level there seems to be a lack of comprehensive planning, and concrete measures to protect and promote the Scots language.

L. Literacy is still low for Ulster Scots and Scots, a fact that is also rooted in the lack of codification and/or standardisation. This partially decreases the possibility to use these languages in the public sphere. Another obstacle to the protection and promotion of these languages is the lack of reliable information as to the number of speakers and their degree of language competence.

M. With regard to Ulster Scots, steps have been taken by the authorities to facilitate the use of Ulster Scots in contacts with the authorities. The guidance issued by the authorities is a positive initiative but was not made widely known to the public. Ulster Scots still remains largely invisible in public life. The Committee of Experts welcomes the establishment of the Ulster Scots Academy. Progress has also been achieved in the field of education with the development and testing of the Ulster Scots curriculum.

N. The Committee of Experts acknowledges that the existing Cornish Language Strategy will serve as a guideline for an initial language policy. However, the implementation of measures directed towards the Cornish language is complicated by the existence of several orthographies. The authorities have taken measures in co-operation with the speakers to work towards a common orthography for Cornish. The "Sense of Place" initiative has raised awareness of the Cornish language. However, there seems to be a need for a higher degree of Cornish language education, which also concerns teacher training and teaching materials.

O. The Committee of Experts gained a very positive impression during its first evaluation of the situation of the Manx Gaelic language and especially noted that the language is flourishing among a young generation of speakers. The Committee of Experts commends the positive attitude of the Isle of Man government towards promoting Manx Gaelic as an integral component of Manx identity. The Committee of Experts was informed that the authorities support its visibility in public contexts and are making Manx Gaelic broadly available in education, including as the language of instruction. However, the lack of trained teachers is a serious issue in this context.

P Finally, the Committee of Experts has found that there is a need to raise the awareness of the English-speaking majority population in England about the UK's regional or minority languages as an integral part of the UK's cultural heritage. Although the National Curriculum in England includes the teaching of regional, religious and ethnic diversity, there seems to be no specific inclusion of respect, understanding and tolerance in relation to regional or minority languages traditionally spoken in the UK.

The United Kingdom government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to the United Kingdom. At the same time it emphasised the need for the UK authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 989^h meeting on 14 March 2007, the Committee of Ministers adopted its Recommendation addressed to the United Kingdom, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



United Kingdom :

Declaration contained in a Note Verbale from the Foreign and Commonwealth Office of the United Kingdom, handed at the time of deposit of the instrument of ratification on 27 March 2001 - Or. Engl.

*The United Kingdom declares that the Charter applies to mainland Britain and Northern Ireland.
Period covered: 01/07/01 -*

The preceding statement concerns Article(s): 1

Declaration contained in a Note Verbale from the Foreign and Commonwealth Office of the United Kingdom, handed at the time of deposit of the instrument of ratification on 27 March 2001 - Or. Engl.

a) The United Kingdom declares, in accordance with Article 2, paragraph 2 and Article 3, paragraph 1, of the Charter that it will apply the following provisions for the purposes of Part III of the Charter to Welsh, Scottish-Gaelic and Irish.

Welsh – 52 paragraphs.

Article 8: Education

Paragraphs 1a (i) 1b (i) 1c (i) 1d(iv) 1e (iii) 1f (ii) 1g 1h 1i

Total: 9

Article 9: Judicial authorities

Paragraphs 1a (ii) 1a (iii) 1b (ii) 1b (iii) 1c (ii) 1c (iii) 1d 2b

Total: 8

Article 10: Administrative authorities and public services

Paragraphs 1a (i) 1b 1c 2a 2b 2c 2d 2e 2f 2g 3a 4a 4b 5

Total: 14

Article 11: Media

Paragraphs 1a (i) 1d 1e (i) 1f (ii) 2 3

Total: 6

Article 12: Cultural activities and facilities

Paragraphs 1a 1b 1c 1d 1e 1f 1g 1h 2 3

Total: 10

Article 13: Economic and social life

Paragraphs 1a 1c 2b 2c 2e

Total: 5

Scottish-Gaelic – 39 paragraphs

Article 8: Education

Paragraphs 1a (i) 1b (i) 1c (i) 1d(iv) 1e (iii) 1f (iii) 1g 1h 1i 2

Total: 10

Article 9: Judicial authorities

Paragraph 1b (iii)

Total: 1

Article 10: Administrative authorities and public services
Paragraphs 1c 2a 2b 2d 2e 2f 2g 5
Total: 8

Article 11: Media
Paragraphs 1a (ii) 1b (ii) 1c (ii) 1d 1e (ii) 1f (ii) 1g 2
Total: 8

Article 12: Cultural activities and facilities
Paragraphs 1a 1d 1e 1f 1g 1h 2 3
Total: 8

Article 13: Economic and social life
Paragraphs 1a 1c
Total: 2

Article 14: Transfrontier exchanges
Paragraphs a b
Total: 2

Irish – 30 paragraphs relating to matters which are the responsibility of the devolved administration in Northern Ireland

Article 8: Education
Paragraphs 1a (iii) 1b (iv) 1c (iv) 1d(iv) 1e (iii) 1f (ii) 1g 1h
Total: 8

Article 9: Judicial authorities
Paragraph 3
Total: 1

Article 10: Administrative authorities and public services
Paragraphs 1a (iv) 1c 2b 2e 2f 2g 3c 4a 5
Total: 9

Article 11: Media
Paragraphs 1d 1e (i) 1f (ii) 1g
Total: 4

Article 12: Cultural activities and facilities
Paragraphs 1a 1d 1e 1f 1h 2 3
Total: 7

Article 13: Economic and social life
Paragraph 1d
Total: 1

Irish – 6 paragraphs relating to matters which are the responsibility of the UK government in Northern Ireland

Article 8: Education
Paragraph 2
Total: 1

Article 11: Media
Paragraphs 1a (iii) 1b (ii) 2
Total: 3

Article 14: Transfrontier exchanges
Paragraphs a b
Total: 2

(Total of 36 paragraphs overall)

b) *The United Kingdom declares, in accordance with Article 2, paragraph 1 of the Charter that it recognises that Scots and Ulster Scots meet the Charter's definition of a regional or minority language for the purposes of Part II of the Charter.*

Period covered: 01/07/01 -

The preceding statement concerns Article(s): 2, 3

Declaration contained in a letter from the Permanent Representative of the United Kingdom, dated 11 March 2003 and registered at the Secretariat General on 18 March 2003 - Or. Engl.

The United Kingdom declares, in accordance with Article 2, paragraph 1, of the Charter that it recognises that Cornish meets the Charter's definition of a regional or minority language for the purposes of Part II of the Charter.

Period covered: 18/03/03 -

The preceding statement concerns Article(s): 2

Declaration contained in a letter from the Permanent Representative of the United Kingdom, dated 22 April 2003 and registered at the Secretariat General on 23 April 2003 - Or. Engl.

The Government of the United Kingdom declares that the Charter should extend to the Isle of Man, being a territory for whose international relations the Government of the United Kingdom is responsible.

Period covered: 23/04/03 -

The preceding statement concerns Article(s): 1

Declaration contained in a letter from the Permanent Representative of the United Kingdom, dated 22 April 2003 and registered at the Secretariat General on 23 April 2003 - Or. Engl.

As a consequence of the extension of the Charter to the Isle of Man, the Manx Gaelic language will be a "regional or minority language" for the purposes of the Charter and accordingly Part II of the Charter will henceforth apply to the Manx Gaelic language.

Period covered: 23/04/03 –

Appendix II: Comments by the UK authorities

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

The Welsh Assembly Government's comments on the Second Report of the Committee of Experts on the UK's compliance with the Charter

November 2006

1. Introduction

The Welsh Assembly Government welcomes the second report of the Committee of Experts following its scrutiny of the UK's compliance with the European Charter for Regional or Minority Languages. The Assembly Government is grateful for the opportunity to contribute to the UK Government's comments on the report from the perspective of the Welsh language.

2. General comments

The Assembly Government is pleased that the Committee considers there has been an improvement since the Committee's first report in March 2003, with an increase in the number of "fulfilled" clauses. As regards education, the Welsh Assembly Government welcomes feedback from the Committee and is particularly pleased to note that in some instances it is judged by the Committee that we are not only still meeting the commitment but also that we have made significant progress.

However, there are aspects of the Committee findings which are disappointing – such as the Committee's view that the clause relating to Health and Social Care is still "unfulfilled" despite significant progress since the first report.

We would invite the Committee of Ministers to consider the points in the Annex, some of which constitute evidence which was not available at the time of the on the spot visit in December 2005, and some of which is further clarification of evidence already submitted to which the Assembly Government thinks that not enough weight has been attached.

3. Detailed comments

The Assembly Government's detailed comments on the report are enclosed at Annex 1, structured in line with the clauses of the Charter.

4. Committee's recommendations

The Assembly Government's response to the Committee's recommendations is included within the comments on the relevant individual clauses below.

Detailed comments on the Committee's report

ARTICLE 8 - EDUCATION

Primary Education

Charter clause:

"b.i. to make available primary education in the relevant regional or minority languages;"

Welsh Assembly Government's comments :

The Assembly Government is pleased that the Committee considers "the provision of primary Welsh-medium and bilingual education is on the whole very good" while at the same time it says that the undertaking is only partly fulfilled in 2006 compared with 2003 when the Committee considered "the undertaking fulfilled in most cases". We are disappointed that the Committee appear to dismiss the increase in the number of Welsh-medium primary schools from 440 (the base figure considered by the Committee in its 2003 report) to 448 (the figure presented in our evidence of January 2006) as "slight". We would ask that the Committee consider the latest figure for the number of Welsh-medium schools which has now risen to 455. This is 7 more schools and 1,700 more pupils in Welsh-medium education in 2005 than in 2004. This is at a time when overall pupil numbers in primary schools in Wales have been falling significantly: thus the proportion of pupils participating in Welsh medium education has increased, as well as the absolute number. The numbers of pupils in Welsh-medium schools now stands at 52,792 (source : Welsh in Schools – SB 4/2006 26 January 2006) as compared to 49,422 in 2000-01 – an increase of 6.8% (source : Welsh in Schools – SB 4/2006 26 January 2006). During this time the total number of primary pupils in Wales fell by 14,949, which represents a decrease of 5.5%. Thus the proportion of primary school pupils attending Welsh medium schools has increased from 18.0% to 20.4% in the 4 years in question.

As regards schools offering bilingual education as opposed to Welsh medium provision, the Assembly Government wishes to clarify both the description itself and the figures. We believe that the description of these schools as "offering bilingual education" may not be entirely as the Committee believes them to be. The numbers of "bilingual" schools quoted in paragraph 187 in the Committee's report are in fact for schools where either there are two language streams within the school and less than half the pupils are in the Welsh medium stream or where Welsh is used as a medium of instruction for less than half of the curriculum. It would be possible, therefore, for schools to fall into this category where they offer no more than one or two subjects through the medium of Welsh. It is questionable, in the view of the Assembly Government, whether such provision could truly be described as "bilingual" or whether, for the most part, such provision produces pupils who are equally fluent in both languages which is what might be expected of provision which describes itself as "bilingual". While the Assembly Government would acknowledge that such provision is likely to produce better linguistic outcomes for pupils than provision which relies solely on teaching Welsh as a second language and would not wish to restrict it where it exists, it is equally clear that it is schools in the Welsh-medium sector (i.e. the 448 noted in paragraph 187) which offer the best chance of fulfilling the overarching vision set out in *Iaith Pawb*, the National Action Plan for a Bilingual Wales.

Dual stream schools where the Welsh medium stream is smaller than the English medium stream are not now common, although the Welsh medium streams have the capacity to provide education similar to that which would be provided within a Welsh medium only school.

These issues confirm the possible difficulties arising from the fact that there are not, as yet, definitions of the varying patterns of linguistic provision in schools which are both universally understood and accepted. The Assembly Government has now consulted widely on methods of defining schools according to the extent to which Welsh is used as a medium of instruction and in the business of the school, and is currently considering the responses.

In the circumstances, we believe that the Committee may have given disproportionate weight to this aspect and not enough to the impressive increase in Welsh-medium provision over the same period.

The Assembly Government must also question the conclusion that provision does not meet demand. Overall there is more spare capacity in the Welsh medium sector than in other schools in Wales (22.4% compared with an all Wales figure of 17.7%). There are some specific areas where demand is growing and there is consequent pressure on existing schools, but the local education authorities in those areas are actively seeking to expand capacity. Parents requesting Welsh medium education in such areas may not have their first choice of school met, but there is no evidence that authorities are unable to offer alternative places in another Welsh medium school.

The Assembly Government is therefore disappointed that the Committee appears to have placed such reliance for its conclusions on the relationship between demand and provision on the basis of an opinion poll of parents conducted by a pressure group and over a limited geographical area as opposed to a more systematic assessment of demand by local authorities as part of the statutory requirements placed upon them by the new Single Education Plan arrangements.

Single Education Plans which were published for the first time in 2006 required Local Education Authorities to make statements about the level of demand for Welsh medium education. Welsh Assembly Government guidance on the drafting of these plans recommended strongly that LEAs, particularly those in areas where demand is growing, should carry out surveys amongst parents in order to enable them to assess potential demand and to plan more pro-actively. Whilst not all Education Authorities have yet undertaken such surveys, most of those which were expected to do so either have done so, or have plans for surveys in hand

The Assembly Government has also noted the recommendation encouraging it “to increase the efforts to make available primary Welsh-medium education to meet demand”. In view of the evidence presented in January 2006 which outlined the positive responses to local demand by local authorities, and the further increase in the numbers of Welsh-medium primary schools referred to above, the Assembly Government believes that the efforts being made to assess demand systematically and to match the availability of Welsh-medium provision to that demand are appropriate.

Secondary Education

Charter clause:

"c.i. to make available secondary education in the relevant regional or minority languages;"

Welsh Assembly Government's comments:

The Welsh Assembly Government is disappointed that the Committee remains unable to conclude on this undertaking. It finds it surprising that with 54 Welsh-speaking secondary schools (2 more than in 2003) catering for 40,221 pupils the Committee cannot come to a view about the extent to which the undertaking is being met when it acknowledged as far back as 2003 that where the small number of authorities do not have Welsh-speaking schools there are cross-county agreements in place to make such provision accessible.

The Committee has also attached some weight to the issue of linguistic continuity. The Assembly Government shares the Committee's concerns about this difficult issue and has already indicated that it intends to take steps to address it. However, the Committee appears to have accepted unchallenged the contention that “50% of primary pupils currently do not continue on Welsh-medium secondary schools.” As our evidence indicated, the drift from first language to second language in transition from primary to secondary school is about 22% and is localised and not national. The Committee also says that it did not receive any information explaining the reasons for this lack of continuity even though the main reasons were alluded to in our evidence. The Committee may find it helpful to have the full report from which our evidence was drawn. The report is available at pages 22-62 of:

<http://www.wales.gov.uk/documents/cms/2/EducationAndLifelongLearningCommittee/39EEFDE30004A64800071380000000/N000000000000000000000000038286.pdf>

While linguistic continuity is an important issue, the Welsh Assembly Government believes that it may have led the Committee to attach an inappropriate significance to it when viewed against the terms of the undertaking itself. The undertaking is “to make available secondary education in the relevant regional or minority language”. The evidence presented by the Assembly Government demonstrates clearly that such education is available. The issue in respect of linguistic continuity is not availability; the issue with linguistic continuity is that parents (and/or pupils) choose not to take up Welsh-medium education in those areas of

Wales where it is available to them. In the view of the Assembly Government, therefore, the issue of linguistic continuity, or the lack of it, does not impinge on the terms of the undertaking.

Technical and vocational education

Charter clause:

“d.iv. to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient”

Welsh Assembly Government's comments:

The Welsh Assembly Government is pleased that the Committee considers the steps which have been taken in respect of this undertaking to be positive but is disappointed to note that the Committee still considers the undertaking not to be fulfilled. Further information will be provided in the next periodic report as requested but, in the meantime, we would want to record that as a result of the steps taken to support an increased range of vocational qualifications, an additional 31 such qualifications are being made available this year.

In addition, the Welsh Assembly Government's 14-19 Learning Pathways policy will secure wider choice of vocational learning for learners of all abilities, leading to a wide range of vocational qualifications. Specific work focused learning pathways are also under development in partnership with a number of sector skills councils and will be piloted from September 2007. These work focused learning pathways will be consistent with the Welsh Baccalaureate Qualification which also includes opportunities for vocational qualifications.

Schools, Further Education Institutions and Work Based Learning Providers are working together to create collaborative option menus for each local authority area. Option menus will include vocational and academic programmes from entry level to level 3 in each of five domains:

- Mathematics, science and all aspects of technology
- Business and administration
- Services to people
- Creative arts and culture
- Humanities and languages

The Welsh Assembly Government has also taken steps to ensure appropriate recognition of vocational qualifications alongside academic ones. It has adopted a wider points score as a measure of success for all schools, which brings together the wide range of vocational qualifications available for learners from the age of 14, and seeks to ensure parity of esteem for all approved qualifications.

Monitoring

Charter clause:

“i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public”

Welsh Assembly Government's comments:

The Welsh Assembly Government has noted the recommendation made by the Committee and would be prepared to give it further consideration. However, we are not clear about the view that the Committee might take in respect of the fulfilment (or otherwise) of undertaking if we were to implement the recommendation. The Assembly Government would welcome clarification on this matter before coming to a view about the Committee's recommendation.

ARTICLE 10 - ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES

Charter clause:

"Paragraph 2

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a. **the use of regional or minority languages within the framework of the regional or local authority;**
- b. **the possibility for users of regional or minority languages to submit oral or written applications in these languages;**
- c. **the publication by regional authorities of their official documents also in the relevant regional or minority languages;**
- d. **the publication by local authorities of their official documents also in the relevant regional or minority languages;**
- e. **the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;**
- f. **the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;"**

Welsh Assembly Government's comments:

The Welsh Assembly Government welcomes the fact that the Committee of Experts considers the undertakings above fulfilled with regard to the National Assembly for Wales. However, the Assembly Government is disappointed that the Committee is not in a position to conclude with regard to local authorities.

The Committee's report mentions the use of Welsh in the workplace in respect of local authorities. There is undoubtedly more work to be done to encourage the use of Welsh within the internal administrations of local authorities, and the Committee rightly acknowledges the Welsh Language Board's work to develop this area. However, the Assembly Government would argue strongly that the use of Welsh within the internal administrations of local authorities is outside the provisions listed in paragraphs b, c, d, e & f, and it is therefore unclear why the Committee has reported on all 6 paragraphs (a-f) together. The provisions listed in paragraphs b-f are in the context of interactions between the local authorities and the public. As stated in the UK's second periodical report, these interactions are requirements contained within the Welsh Language Schemes of the individual local authorities.

Neither the Assembly Government or the Welsh Language Board through its monitoring work are aware of general negative trends with regard to the use of Welsh in local authorities which the Committee report refers to in paragraph 230. All Schemes contain procedures for redress with regard to the services provided in Welsh by the local authority in question. There are also procedures set out in the Welsh Language Act to refer complaints to the Welsh Language Board, for the Board to conduct investigations, and for investigations to be submitted to the Assembly Government to adjudicate. If the public, or representatives of local authorities, have concerns about negative trends with regard to the use of Welsh, the Assembly Government would urge them to seek redress through the above routes.

Charter clause:

"Paragraph 3

With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

- a. **to ensure that the regional or minority languages are used in the provision of the service;"**

Welsh Assembly Government's comments:

The Welsh Assembly Government is disappointed that the Committee of Experts is unable to conclude whether this undertaking is being met. The Assembly Government will attempt to provide further information in the next periodical report as requested. However, the detailed monitoring work of the Welsh Language Board (they received and responded to 137 Welsh language scheme monitoring reports in 2005-06), and of the public bodies themselves, gives us confidence that the undertaking above is generally being met. Where deficiencies have come to light the Board has been successful in working with the organisations concerned to improve their Welsh language services. The following are examples of such work:

- Following a complaint by a member of the public and resulting monitoring work by Welsh Language Board officers, Flintshire County Council conducted an internal inquiry into its Council Tax process in 2004. The inquiry concluded that Council tax bills had been produced in English contrary to the Council's Welsh Language Scheme. Following the exercise the Council took urgent steps to rectify the situation and commitments were also made to ensure other improvements, such as ensuring that internal auditors check compliance and that appropriate guidance is given to staff in the finance department.
- During Summer 2006 the Welsh Language Board received a complaint about the Welsh language service offered by Conwy County Council's planning department. In resolving the complaint and as part of the Board's monitoring work the Council have assured the Board that they will put systems in place to deal with Welsh language applications and to ensure that applicants receive correspondence in Welsh (if they wish) throughout the process.
- In 2004 the **North East Wales NHS Trust** was criticised for the levels of services in Welsh. This criticism was accepted and by 2006, when officers of the Welsh Language Board visited the Trust, in order to assess the improvement it was evident that a lot of time and resources had been invested and had paid dividend. A Welsh reception, systems for recording language choice and a general bilingual corporate image were seen in each site visited.
- **DVLA:** the help line offered a Welsh language option to callers from Wales, using landlines. However, those using mobile phones (or who withheld their numbers) were not given this option. The Welsh Language Board advised them to set up a separate number for Welsh language services (whilst also keeping the Welsh language option on the original number). As a result, those using mobiles, or who withhold their numbers, are now able to access to the Welsh language service.
- **Job Centre Plus:** the majority of its forms are now available in electronic format and are printed as required. As a result of this, publishing costs have fallen and JCP decided, in discussion with the Welsh Language Board, to use some of the resources saved to expand the number of forms available in Welsh. JCP have conducted an audit of the most used forms and are now in the process of translating them. This will be a continuous process and it will enable Welsh speakers to have access to a much larger variety of Welsh language forms.

Charter clause:

Paragraph 4

"With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

"b. recruitment and, where necessary, training of the officials and other public service employees required;"

Welsh Assembly Government's comments:

The Welsh Assembly Government argues strongly that the fact that there are provisions with regard to recruitment and training within all Welsh language schemes of public sector organisations would indicate this undertaking being fulfilled. The Welsh Language Board's statutory guidelines on the preparation of Welsh language schemes contains specific guidelines requiring organisations to include commitments on recruitment and training of staff to ensure sufficient numbers of staff with Welsh language skills to meet their Welsh

language scheme commitments. The aim of the work that the Welsh Language Board is doing to develop further guidance in this area, as described in paragraph 237 of the Committee's report, is to help organisations to improve their performance in meeting the recruitment and training commitments of their schemes.

This undertaking does not mention the need for an officially recognised accreditation, which the Committee's report suggests is the reason it considers the undertaking "partly fulfilled". However, since the beginning of the 2006-07 academic year students enrolling on courses through the Welsh for Adults regional centres are all following a national course and assessment. At the same time a programme for a national accreditation for Welsh for Adults tutors has started.

ARTICLE 12 – CULTURAL ACTIVITIES AND FACILITIES

Charter clauses:

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

"Paragraph 3

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Welsh Assembly Government's comments:

The Welsh Assembly Government is disappointed that the Committee cannot conclude that this undertaking is fulfilled. Patagonia is the only region outside the UK where Welsh is spoken as a community language. In the UK Government's 2nd Periodical report, detailed information was provided about the Assembly Government's continued support of the Welsh language teaching project in Patagonia and the project aimed at fostering sustainable links between local museums, archives and libraries in Wales and the Welsh community in Patagonia.

In addition, the Welsh Assembly Government, through the Welsh Language Board, is providing £29,000 during the 2006-07 financial year to the London Welsh Medium primary school.

Given the above, the Assembly Government would value clarification as to what further measures would be required before the undertaking could be said to be met.

ARTICLE 13 - ECONOMIC AND SOCIAL LIFE

Charter clause:

"c. to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;"

Welsh Assembly Government's comments:

The Welsh Assembly Government takes note of the Committee's conclusion that the undertaking above is "not fulfilled at present".

We are pleased that "the Committee acknowledges the positive steps being taken" to improve Welsh language provision and we have taken note of the recommendation made.

We are aware that further work needs to be done to ensure that Welsh language provision is available within the service. However, significant progress has been made as was evidenced by the Deputy Minister for Health and Social Services and officers of the NHS Welsh Language Unit during the Committee visit.

We would draw attention to a 2006 Report from the Welsh Language Board (WLB): *Review of the Welsh Language in the NHS Trusts*. <http://www.bwrdd-yr-iaith.org.uk/cynnwys.php?CID=&PID=109&nID=2147&langID=2>

In the Foreword to the Report, the Chair of the WLB says:

“I was pleased to find that there has been progress on the whole and this was quite significant in some areas.

“At the last Welsh Language in Healthcare Conference I was urging you to change gear, it is now quite evident that a number of the Trusts have taken this on board, with significant success. Language is important to patients and your [the Trusts] efforts to improve Welsh medium services are a valuable investment for those whose first language is Welsh.”

We acknowledge that there is more work to be done but do believe that progress made should be recognised. Evidence of this is seen in this year’s Welsh Language in Healthcare Awards, which attracted 112 high quality nominations. This is a reflection of the development within the service and we consider that the improvement is significant.

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Combined comments from the Scottish Executive and Bòrd na Gàidhlig on the Second Report of the Committee of Experts on the UK's compliance with the Charter

November 2006

The Scottish Executive welcomes the Committee's 2nd report and is grateful for time taken by the Committee to investigate these matters in detail. We also welcome the opportunity to comment on the observations of the Experts, including their proposals for recommendations to be made to the Committee of Ministers.

We would like to reassure the Committee that we will write to all local authorities, public bodies and minority language groups in Scotland and make them aware of the Committee's report and the recommendations.

We have noted the proposals for recommendations that the report contains. We are content for these recommendations to go forward to the Committee of Ministers and we will seek to address these concerns within the period of the next Report and are confident that adequate measures will be put in place to achieve this.

Territory

As the Committee is aware there have been discussions over what constitutes a territory in this context. The view of the Report would appear to be that the relevant territory for Scottish Gaelic is all of Scotland. For this reason the Committee are able to acknowledge that progress has been made in Gaelic education but that a number of the education undertakings remain only partially fulfilled. It is possible that this position will remain for some time as a result of demand, local priorities and teacher supply.

The Scottish Executive understands the European Charter for Regional or Minority Languages to be founded upon flexible implementation and provides for undertakings to be applied within territories in 'the areas where the language is used'. The Scottish Executive has adopted that same broad approach to its Gaelic language legislation, with the provisions of the Gaelic Language (Scotland) Act 2005 applying on a national basis and providing for the development of a National Gaelic Language Plan. Such an approach does, however, necessitate a proportionate approach to the implementation of Charter undertakings and Gaelic development generally, targeting scarce resources where they can have most impact and benefit to the overall well-being of the language.

Bòrd na Gàidhlig Response to the European Charter on Regional or Minority Languages, Comex 2nd UK Report

Bòrd na Gàidhlig would like to make the following comments and observations on the second report on the UK in respect of the above charter by the Committee of Experts (Comex) of the Council of Europe. The Bòrd will restrict itself to the areas of the report concerning Scots Gaelic.

The Bòrd notes with satisfaction the expressions of commendation made by Comex regarding progress in a number of areas, and views the reduction in recommendations over the first report as an indication of this progress. The authorities concerned are to be congratulated on this progress.

The Bòrd is worried by the number of instances in which insufficient information was made available to the committee for it to reach a decision on compliance, and recognises that in its role under section 1(2)(d) of the Gaelic Language (Scotland) Act it will now be the Bòrd's responsibility to address these concerns for future periodical reports. However, it also recognises that it will only be able to undertake this responsibility properly with the full co-operation of executive authorities at local, Scottish and UK levels.

The Bòrd notes and approves the two recommendations submitted by Comex for adoption by the Council of Europe ministers, viz., that the authorities in the UK:

- elaborate and implement a comprehensive education policy, and
- increase support for the printed media

Education policy will be directly impacted on by the forthcoming National Gaelic Education Strategy, though full support on the part of executive authorities will of course be required for this to become policy.

Support for the printed media is addressed in the draft National Plan for Gaelic, but perhaps the emphasis placed in the Comex report on this topic presents a challenge to which the Bòrd and executive authorities must rise, and consideration will be given to reflecting this in the final draft of the National Plan.

Bòrd na Gàidhlig notes the specific concerns expressed by Comex in its report. These are, with comment by the Bòrd, are:

- Major concern: "to include within the objectives of education and training in the UK at large, respect, understanding and tolerance in relation to regional or minority languages traditionally spoken in the UK" (160)

Whilst being sympathetic to any steps taken along these lines elsewhere in the UK, Bòrd na Gàidhlig sees it as being more feasible and cost-effective for this to be progressed immediately and independently in the context of the Scottish education system. But outwith Scotland, support for Gaelic education might be concentrated on a limited number of specific institutions, with particular reference in the short term to established networks of adult learners and to established tertiary-level study into Gaelic and its culture and history in Scotland.

- Major concern: "to increase efforts to make available primary Scottish Gaelic-medium education to meet the demand" (300)

Bòrd na Gàidhlig wholeheartedly agrees with this concern, but wishes it to be recognised that demand itself needs to be greatly increased, that the models of delivery of Gaelic-medium education have become an issue, and that the draft National Plan places primary education in the context of follow-through provision and, crucially, of language vitality.

- "staff were not aware of the right to use Scottish Gaelic in [three civil courts in the north-west]" (149)

Bòrd na Gàidhlig is concerned with this specific instance, and also with the danger that the impact of the Charter and of the Gaelic Act might be seriously compromised by similar failure to cascade knowledge and practice in all current and future language policy initiatives.

- "The Scottish Executive's National Cultural Strategy promotes the existence of traditional and new linguistic groups in Scotland as an enriching aspect of cultural diversity. However, it is unclear to ... how this strategy has been implemented" (155)

See the response to (160) above regarding education – similarly for culture.

- "structural problems in terms of funding and teacher supply in certain subjects, especially at secondary and tertiary level" (286)

Bòrd na Gàidhlig has embarked on tackling this problem.

- "the situation of Gaelic-medium pre-school education in those areas where there is a high concentration of speakers, such as in the Outer Hebrides" (292)

Bòrd na Gàidhlig expects that Gaelic-medium education at all levels will feature prominently in the Gaelic language plans required of education authorities. All education authorities with high concentrations of speakers have been, or are within three years due to be, notified under the Gaelic Act of a requirement to prepare Gaelic language plans.

- "[how] demand is measured for the teaching in/of Scottish Gaelic in the context of technical and vocational education ... [and how] Scottish Gaelic language courses are linked to technical and vocational education, and if so, how they are linked" (313)

Bòrd na Gàidhlig has highlighted this issue in the draft National Plan.

- "the teaching of the history and culture ... seems to be a matter of choice for the individual school" (324)

Bòrd na Gàidhlig would favour the widest possible teaching of Gaelic history and culture; it also favours widespread access to the language through schemes such as Gaelic Language in Primary School – though not as replacements for Gaelic-medium education.

- "evidence that a ... leaflet in Scottish Gaelic was refused since it is "seen as a language of choice as opposed to one of need". The Committee emphasises that this approach is contrary to [UK undertakings] and to the spirit of the Charter" (357)

Bòrd na Gàidhlig has drawn attention to the correct approach through the interpretation of "equal respect" in the draft Guidance on Gaelic Language Plans. It recognises, however, the work and direction that will be required to establish widespread acceptance of this both among public-body staff and among users of Gaelic.

- "Highland Council's proposal to erect bilingual road signs within the Highlands has been rejected by the Scottish Executive" (363)

Bòrd na Gàidhlig shares the concern at the lack of progress with bilingual signage in the central highlands with particular reference to the A9. We recognise this is not a matter for local authority decision making and would urge the Scottish Executive to agree to extend bilingual signage on the A9 and other trunk roads.

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Comments from the Department of Culture, Media and Sport on the Second Report of the Committee of Experts on the UK's compliance with the Charter

November 2006

Article 11 Media

Paragraph 368 (correction)

The Committee were informed that a dedicated Gaelic digital television service would be set up, not a channel. Also DCMS are only making a one off contribution to funding.

Therefore it should read:

The Committee of Experts has been informed that a Gaelic digital television service will be set up and in operation from 2007. This will be a collaborative venture between the BBC and the Gaelic Media Service (see also paras. 380-383 below).

Paragraph 370 (correction & clarification) It should read:

The Committee of Experts was informed during the on-the-spot visit by the BBC and the Gaelic Media Service (GMS) that the funding situation for the channel was still uncertain. Costs will be split between the Scottish Executive and most likely the BBC. DCMS would be making a one off contribution of £250k. The plan is to begin with at least 1 ½ hours of new programming and otherwise re-programming, which would amount to an estimated cost of £16.8 million.

Paragraph 372 (clarification)

Paragraph states that little progress has been made in terms of geographical fm radio coverage. The BBC have stated that, in line with the Committee of Ministers' recommendations, it has greatly increased FM coverage (there was a boost in 2002 and again in 2003).

Paragraph 373 (clarification)

The £8m quoted in paragraph 373 is not purely for radio. The Gaelic Media Service (GMS) received £8.5m in 2005-06, in 2006-07 they receive £8.7m of funding from the Scottish Executive, which they use to fund television and radio programming, as well as investing in training, audience research etc. Their recent annual report states that 1.2% (equates to less than £100k) is used by the GMS to commission radio programmes production.

Page 62 - Recommendation 4 (correction)

As above, the Committee were informed that a dedicated Gaelic digital television service would be set up, not a channel. Also DCMS are only making a one off contribution to funding.

Therefore it should read:

With regard to the first part of this recommendation, the Committee of Experts has been informed that a Gaelic digital television service is to be set up and in operation from 2007. This will be a collaborative venture between the BBC and the Gaelic Media Service. Costs will be split between the Scottish Executive and most likely the BBC. DCMS would be making a one off contribution of £250k. The plan is to begin with at least 1 ½ hours of new programming and otherwise re-programming, which would amount to an estimated cost of £16.8 million.

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Northern Ireland Department's comments on the Second Report of the Committee of Experts on the UK's compliance with the Charter

November 2006

Factual Points

Paras 106 and 107:

The work being done by the Stranmillis Unit should be described as either 'programme' or 'project'.

Para 107:

Government does not prescribe the materials to be used by schools – they comprise a resource which can be utilised by all teachers. With the revised curriculum, professional flexibility is being handed back to teachers and it would be entirely inconsistent to move to prescription for any particular area (including Ulster Scots). Specialised training in use of these resources is therefore not appropriate.

Para 108:

The word 'materials' should be used in this paragraph, instead of 'curriculum', as it is more accurate.

Para 111:

There has not been any demand for such courses and making a provision in a specification that would meet the criteria for accrediting qualifications would be very difficult, given the lack of codification and standardisation of Ulster Scots.

Para 153:

The statement in the 2nd sentence is incorrect. The curriculum was revised to provide greater flexibility and to better prepare young people for life and work. The revised curriculum includes Citizenship and Cultural Heritage as key elements that run across the whole curriculum and these will provide pupils with opportunities to develop their understanding and respect for diversity in general, including linguistic diversity.

Para 414:

The Department of Education for Northern Ireland had never made any commitment to fund Iontaobhas na Gaelscolaíochta (InaG), so the remarks made by Pobal that it was to cease funding were incorrect. However, in October 2006, the Department has given a commitment in principle to provide InaG with additional funding to enable it to secure a matched contribution to support the development of Irish-medium education.

Para 415:

As part of the review of public administration, responsibility for front line support and related functions currently provided by Comhairle na Gaelscolaíochta (CncG) will transfer to the new Education and Skills Authority. The Irish-medium sector will be represented on the new Departmental advisory body, the Education Authority Forum.

Para 416:

The current school transport arrangements are designed to ensure that pupils attending Irish-Medium schools are treated no less favourably than pupils travelling to other schools.

Para 420:

The Department of Education does not fund the establishment of voluntary pre-school provision in any sector, but funds a pre-school place for children in their final pre-school year. Due to additional funding, all eligible Irish Medium voluntary providers that applied for pre-school Expansion Programme funding received funding on the same pre-child as all other settings. The number of children accessing pre-school through the medium of Irish continues to be larger than the P1 cohort in Irish Medium primary schools. A Strategic Review of Education is being undertaken to see how best to address the Department's duty to encourage and facilitate Irish-medium education.

Para 421:

All voluntary pre-school places receive exactly the same funding per child, whether they are Irish or English Medium.

Para 428:

All newly qualified teachers, including those employed in Irish-Medium primary schools are supported during the stages of induction and early professional development (i.e. during the first 3 years of their careers). The Teacher Education Partnership handbook provides guidance on the roles and responsibilities of all the partners (Education and Library Boards, Higher Education Institutions, schools and the teachers themselves) during these stages. Irish-Medium education is supported by dedicated officers within both the Council for the Curriculum, Examinations and Assessment (CCEA) and the Curriculum Advisory and Support Services of the Education and Library Boards. CCEA includes a small team of translators based in St Mary's College, Belfast which has responsibility for the provision of teaching materials for the Irish-Medium sector. It has a team of editors and translators, who create, adapt and translate texts for use in Irish-Medium schools. Since 2000 the Department of Education has funded and published a number of research projects to inform policy and guide practice in the Irish-Medium sector.

The curriculum was revised to provide greater flexibility and to better prepare young people for life and work. The revised curriculum includes Citizenship and Cultural Heritage as key elements that run across the whole curriculum and these will provide pupils with opportunities to develop their understanding and respect of Irish and Ulster Scots and respect for diversity in general, including linguistic diversity.

All schools in Northern Ireland, including those in the Irish Medium (IM) sector, are required to follow statutory guidance contained in the Code of Practice on the Identification and Assessment of Special Educational Needs and the more recent Supplement to the Code. Equally, the Education and Library Boards have a statutory duty to identify and make provision for those children with special educational needs, for whom they are responsible, despite the grant aided setting in which the child is placed.

Paras 436 and 437:

The comments in these paragraphs do not accurately reflect the position with regard to the Jobskills Irish language pilot. Between 2001 and 2005/06 academic years, the Department for Employment and Learning funded the pilot Jobskills-based Irish language vocational training programme, delivered in partnership between Belfast Institute of Further and Higher Education and Forbairt Feirste. This programme aimed to address the training needs of pupils leaving Irish medium secondary schools at the age of 16. In conjunction with advice received from the Education and Training Inspectorate (ETI), and following discussions with the two delivery partners, the Department decided to mainstream the provision as a Further Education (FE) course with effect from September 2006. Outstanding concerns about communications with the relevant organisations have, to the best of this Department's knowledge, now been satisfactorily resolved.

Irish Medium Training Programme (Forbairt Feirste)

| Year | Participants |
|-----------|--------------|
| 2001/2002 | 12 |
| 2002/2003 | 18 |
| 2003/2004 | 21 |
| 2004/2005 | 12 |
| 2005/2006 | 14 |
| 2006/2007 | 15 |

Para 439:

Government would consider that this paragraph is not an evaluation of a current policy, but comments on future policy proposals. However, the Department of Education in Northern Ireland has commented as follows:

Irish Medium schools and the Entitlement Framework

There are wide variations in the number and range of courses provided by schools and one key focus of the current reforms is to ensure that all pupils should have the same right to choose from a wider range of applied and general courses. The Entitlement Framework will require all schools to provide access to a minimum of 24 courses at Key Stage 4 and a minimum of 27 courses at post-16. At least one third of these courses must be general (academic) and at least one third applied (vocational). The Department recognises

that there will be particular challenges for Irish-Medium schools but that is no reason why their pupils should be denied the course choice available to others.

It is unlikely that many schools (in any sector) will be able to provide access to the Entitlement Framework on their own; schools will need to develop arrangements to cooperate and collaborate with other schools and with the Further Education sector. These arrangements will be developed locally to respond to local needs and circumstances and they will be flexible to respond to changing needs.

The Department has allocated resources to CnaG (as well as to the Education and Library Boards, CCMS and NICIE) to enable them to employ additional staff to support and facilitate schools in their sector to begin to develop collaborative arrangements and generally to support work by schools to prepare for the implementation of new post-primary arrangements. DE (in association with DEL) is also making additional funding available to enable schools and FE colleges to explore innovative methods of course delivery.

Para 442:

Additional information requested by the Committee regarding the number of pupils taking advantage of the Irish-Medium courses on offer, is as follows:

Higher Education

| Academic Year | Total Enrolments on Celtic Courses (defined by the HESA Celtic Studies Group) | Of which relate to Celtic Studies Courses | Of which are on Irish Gaelic Courses | Of which are on Irish Gaelic Literature courses |
|----------------------|--|--|---|--|
| 2003/2004 | 506 | 85 | 349 | 72 |
| 2004/2005 | 496 | 76 | 343 | 77 |

Some portions of Irish language courses may be taught in the medium of Irish but details of these are not currently held.

In addition the following relates to initial teacher training (ITE) courses with an element of Celtic/Irish studies.

Initial Teacher Training with Celtic/Irish studies

| Academic Year | B Ed Courses | Celtic | PGCE Irish Medium (Primary) courses | Total enrolments |
|----------------------|---------------------|---------------|--|-------------------------|
| 2003/2004 | 43 | | 16 | 59 |
| 2004/2005 | 43 | | 20 | 63 |

Again information is not to hand on whether the courses are delivered in the medium of Irish.

From 2002/03, a procedure of apportionment is used to allocate students to specific subject areas, by dividing each headcount in a way that reflects the pattern of a split programme e.g. someone studying Irish and French will be split between both subject areas in a proportion determined by the institution. The numbers quoted above therefore relate to a full-person equivalent count.

Further Education – Statutory Provision

| Enrolments in Irish Language Courses | Vocational level | Non Vocational level | Total |
|---|-------------------------|-----------------------------|--------------|
| 2003/2004 | 160 | 168 | 328 |
| 2004/2005 | 506 | 216 | 722 |

Further Education – non statutory (not funded by Department for Employment and Learning)

| Enrolments in Irish Language Courses | Ulster Peoples College | Workers Education Association | Total |
|---|-------------------------------|--------------------------------------|--------------|
| 2002/2003 | 24 | 38 | 62 |
| 2003/2004 | 6 | 26 | 32 |
| 2004/2005 | 9 | 24 | 33 |

Information is not readily available as to whether any of these courses have been delivered via the medium of Irish.

Paras 447 and 448:

Government would disagree with the comments made by the Council for Irish-Medium Education, in the 2nd sentence of para 447. The Department of Education in Northern Ireland is actively engaged with other bodies (including the Council) in taking forward a proposal for the development of Irish Medium post primary Initial Teacher Education.

Paras 474 and 475:

Government is not aware of any other problems in this area, and is satisfied that its IT systems can accommodate diacritic marks.

Findings (3.2)

M (Page 65)

The word 'materials' should be used instead of 'curriculum' as it is more accurate.

P (Page 65)

The Department of Education in Northern Ireland suggest that the reference to the curriculum position on respect for specifically linguistic diversity should not only apply to the National Curriculum (which covers only England). In Northern Ireland local and global citizenship strands includes Diversity and Inclusion, where pupils should develop respect for others, look at influences such as culture and community background and ways in which identity is expressed e.g. through language.

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Cornish Language Comments on the Second Report of the Committee of Experts on the UK's compliance with the Charter

November 2006

1. Cornish

Paragraph 46 (factual correction):

Cornwall is represented on the voluntary South West Regional Assembly which makes recommendations to the UK Government on regional land use and transport planning and regional funding priorities for economic development, housing and transport investment. The Department for Communities and Local Government (DCLG) in England has no plans to revive earlier proposals, referred to by the Committee, for regional referendums to be held on a move towards elected regional assemblies where there was a demand. The DCLG issued a Local Government White Paper in October 2006 and has invited local authorities to submit proposals for restructuring or improved two-tier working in a small number of county areas. It remains the case that this would not have a negative effect on the Cornish language.

Paragraph 56 (factual correction)

The first sentence is inaccurate. The UK Government's report sets out, at pages 29-30, how the Strategy was commissioned and prepared.

2. Additional Comments

Paragraph 151 (clarification)

The Department for Education & Skills is responsible for education policy only within England. The devolved administrations in the rest of the UK have their own responsibilities for education. The Languages Ladder is the national recognition scheme for language learning in England. It is one of the main strands of the National Languages Strategy for England. The Ladder, and the associated Asset Languages qualifications, are designed to endorse language competence in a wide range of languages (currently 21) for learners in schools, colleges or for native speakers wishing to demonstrate their level of language. Secondary schools must offer an official EU language in key stage 3 and, in addition, can offer any other language. In key stage 4, the school may only offer courses which lead to accredited qualifications so it would not be possible to offer a course in some languages.

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Isle of Man's comments on the Second Report of the Committee of Experts on the UK's compliance with the Charter

November 2006

1. Summary

Overall the Isle of Man Government is pleased with the Committee's report in respect of Manx Gaelic. The only comments received have been quite minor and are set out below.

2. Detail

- With regard to the second report in Part II Evaluation, para 124 Manx is proposed as an option to German, not French.

- In Part II, para 126, the people who have taken the "A" level equivalent are for the most part adults. There has been one school pupil who has taken it, and three are currently studying for it.

- Para 127, not aware of there being any formal plans to create a Manx-medium secondary school although the subject may well need addressing in the future.

- Para 129, the six primary teachers will be following a twenty week training course, and we hope that we may be able to train more teachers in the next academic year.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the United Kingdom

Recommendation RecChL(2007)2 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the United Kingdom

*(adopted by the Committee of Ministers on 14 March 2007
at the 989th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by the United Kingdom on 27 March 2001, 11 March 2003 and 22 April 2003;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by the United Kingdom;

Bearing in mind that this evaluation is based on information submitted by the United Kingdom in its second periodical report, supplementary information given by the United Kingdom authorities, information submitted by bodies and associations legally established in the United Kingdom and the information obtained by the Committee of Experts during its on-the-spot visit;

Having taken note of the comments made by the United Kingdom authorities on the contents of the Committee of Experts' report;

Recommends that the authorities of the United Kingdom take account of all the observations of the Committee of Experts and, as a matter of priority:

1. elaborate and implement a comprehensive Scottish Gaelic language education policy;
2. develop a comprehensive Irish language policy, including measures to meet the increasing demand for Irish-medium education;
3. develop further Welsh-medium education, in particular, take steps to improve linguistic continuity in the transition from primary to secondary level in Welsh-speaking areas, and establish a co-ordinated approach to monitoring progress achieved in developing Welsh-medium education;
4. increase support for the printed media in Scottish Gaelic and Irish;
5. take further measures to ensure that health and social care facilities offer services in Welsh;
6. strengthen the efforts to improve the position of Scots and Ulster Scots.